

**For discussion on
27 November 2023**

Legislative Council Panel on Administration of Justice and Legal Services

**Development of and support for the Hong Kong legal profession
in Hong Kong and within the Guangdong-Hong Kong-Macao Greater Bay Area**

Purpose

This paper briefs the Panel on the progress of initiatives by the Department of Justice (“**DoJ**”) in promoting and supporting the development of the Hong Kong legal sector in Hong Kong and the Guangdong-Hong Kong-Macao Greater Bay Area (“**GBA**”).

A. Support for the development of the Hong Kong legal profession in Hong Kong

2. The DoJ has been fostering an environment conducive to the development of the legal profession and creating more opportunities for the legal sector, to enhance its competitiveness and to encourage enhanced co-operation with the stakeholders in the GBA and other parts of the Mainland. Through collaboration with the legal profession, the DoJ has been actively promoting Hong Kong’s legal professional services to the Mainland and overseas.

(1) Legal education and professional training

3. The Standing Committee on Legal Education and Training (“**SCLET**”) established under section 74A of the Legal Practitioners Ordinance (Cap. 159) is responsible for keeping under review the legal education and training in Hong Kong, monitoring vocational training of prospective legal practitioners, collecting and disseminating relevant information about legal education and training, and making recommendations on related matters. A representative of the DoJ is also one of SCLET’s members.

4. In relation to on-the-job training for the practitioners, both the Hong Kong Bar Association (“**HKBA**”) and the Law Society of Hong Kong (“**LSHK**”) have established committees for reviewing such matters as legal professional development and continuing education. The DoJ will continue to support LSHK, HKBA and

SCLET in their ongoing review and enhancement of the local legal education and professional training, so as to nurture more legal talent for Hong Kong.

(2) **Enhancing competitiveness of the legal sector**

5. The DoJ has been organising or co-organising with other organisations various capacity building initiatives to build a broader platform for the legal sector to provide and expand their professional services, thereby assisting the sector to enhance its competitiveness. In this respect, the DoJ actively assists and supports the legal sector in responding to new legal developments-

- (1) *The mechanism for reciprocal enforcement of judgments in civil and commercial matters between the Mainland and Hong Kong* – The enactment of the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance (“**Ordinance**”) by the Legislative Council in October last year seeks to establish a more comprehensive mechanism for reciprocal recognition and enforcement of judgments in civil and commercial matters between Hong Kong and the Mainland, thereby reducing the need to re-litigate the same disputes, offering better protection for parties’ interests and helping to enhance Hong Kong’s competitiveness as a regional centre for legal and dispute resolution services. The DoJ is proactively preparing for the relevant promotion events in relation to the Ordinance which will enter into force on 29 January 2024 (including a seminar to be co-organised with the Supreme People’s Court), to assist the sector in understanding the content of the new mechanism under the Ordinance and be prepared for its implementation.
- (2) *Fee structures for arbitration* – the Arbitration and Legal Practitioners Legislation (Outcome Related Fee Structures for Arbitration) (Amendment) Ordinance 2022 provides that that certain agreements using outcome related fee structures for arbitration (“**ORFSA**”) are not prohibited by the common law doctrines of maintenance, champerty and barratry. Together with the amendment to allow third party funding in arbitration, Hong Kong is providing a comprehensive and flexible arbitration funding options, enhancing access to justice for those in need.
 - (a) In February 2023, the DoJ published a leaflet on “Funding Options for Arbitration in Hong Kong” for reference by the legal sector and other stakeholders. The DoJ has also published on

its website a set of “Top 20 Frequently Asked Questions (FAQs) on ORFSA”.

- (b) After consulting the Working Group on ORFSA Checklist and the two legal professional bodies, during the “Hong Kong Legal Week” held in November 2023, the DoJ published the “Guidance Note and Checklists for ORFSA”, to provide practical guidance on the mechanism and serves as a handy tool for the legal sector and other stakeholders who wish to enter in to ORFSA agreements.

6. Further, the DoJ supports the legal profession in applying LawTech to enhance its competitiveness. EBRAM International Online Dispute Resolution Centre, a non-profit-making agency, provides legal cloud services. The DoJ provides subsidies for use of the legal cloud services not only to the solicitors, barristers, arbitrators and mediators, but also to trainee solicitors, trainee barristers, and full-time or part-time students in Post-graduate Certificate in Laws. The DoJ will continue to encourage use of legal cloud services by the legal sector and seek their comments for optimisation of services.

(3) Promoting the professional development of young lawyers

(a) *Secondment programmes to international organisations*

7. With the support of the Central People’s Government and the assistance of the Office of the Commissioner of the Ministry of Foreign Affairs in the HKSAR, the DoJ’s programmes for seconding local legal professionals to various renowned international organisations have continued to run smoothly. These international organisations include the Hague Conference on Private International Law, the International Institute for the Unification of Private Law, the United Nations Commission on International Trade Law and the Asian Infrastructure Investment Bank.

8. Participants of the secondment programmes not only included government counsel, but also solicitors and barristers in private practice.

(b) *The Professional Exchange Programme and Understudy Programme*

9. In September 2019, the DoJ launched the Professional Exchange Programme to facilitate the exchange of best practices between lawyers in the private sector and in the government. To encourage greater participation by young lawyers, the DoJ

adjusted the eligibility criteria of the programme in May 2021 to accept applications from qualified lawyers in private practice without any post-qualification experience.

10. So far, 15 lawyers (seven in the private sector (including five barristers and two solicitors) and eight government counsel) have participated in the programme for two weeks to six months on a full-time or part-time basis as the case may be.

11. To offer more training opportunities to less-experienced lawyers, the DoJ launched an enhanced Understudy Programme in June 2020 for barristers and solicitors with less than five years' post qualification experience, to act as understudies in civil and prosecution cases, or to prepare legal opinion for civil cases. A total of 216 barristers and solicitors have benefited from the programme thus far.

(c) *Providing training for less-experienced solicitors and barristers in private practice*

12. To provide more practical training opportunities to less-experienced solicitors and barristers in private practice, the DoJ has been actively managing its Briefing Out Lists, and supporting training opportunities offered to barristers and solicitors acting on fiat in prosecutions. Since September 2021, The Hong Kong Advocacy Training Council has been providing training (including lectures and mock trials) for barristers and solicitors who have obtained corresponding professional qualifications for at least one year. Attendees with good performance in the mock trials may apply for participation in an assessment conducted by the Prosecutions Division (“PD”) of the DoJ and they will be arranged to undergo a two-week attachment at the Magistrates’ Courts. Upon completion of the attachment, the DoJ will decide on the attendees’ suitability for inclusion in the PD Magistrates’ Courts Fiat Counsel List.

13. As at 24 October 2023, 20 barristers and solicitors have passed the assessment and were admitted to the Magistrates’ Courts Fiat Counsel List.

(4) **Nurturing International Legal Talents**

14. DoJ submitted a paper setting out the policy initiatives of the DoJ in the 2023 Policy Address (LC Paper No. CB(4)924/2023(02)) for the Panel Meeting on 6 November 2023 (“6 November Paper”). Paragraphs 4 to 13 of the 6 November Paper mentioned the policy initiatives relevant to the establishment of the Hong Kong International Legal Talents Training Academy. The initiative aims to further capitalise on Hong Kong’s bilingual common law system and international status to consolidate the strategic positioning of Hong Kong as a centre for international legal

and dispute resolution services in the Asia-Pacific region under the National 14th Five-Year Plan.

15. DoJ will establish within 2024 a dedicated new office, namely, the Hong Kong International Legal Talents Training Office (“**Office**”). The Office will plan, organize and implement legal talent training and capacity building projects in the areas of domestic, foreign and international law, with a focus on legal practice and procedures. The Office will also take forward the coordination on setting up the Expert Committee for Hong Kong International Legal Talents Training.

16. It is hoped that the capacity building and professional exchange initiatives would bring international legal talents together in Hong Kong, thereby enriching professional exchanges and mutual learning among the legal profession and stakeholders in Hong Kong as well as national and foreign legal counterparts, experts and academics, enabling them to complement with each other’s strengths. As such, the Hong Kong legal sector would be encouraged to consolidate its legal expertise and experience towards an internationally advanced level, and to develop in the direction of having high value-added legal talents, and further integrating the Hong Kong legal sector into the national development of our country.

B. Support for the development of the Hong Kong legal profession in the Nine Mainland Municipalities in the GBA

(1) The GBA Legal Professional Examination (“GBA Examination”)

17. In the paper (LC Paper No. CB(4)1430/20-21(04)) tabled by the DoJ for discussion at the meeting of the Panel on 31 August 2021, the background of the pilot scheme for the GBA Examination and the requirements on examination contents and format, pre-examination training, scope of business, etc., were introduced in detail. This section will brief members of the implementation and latest development of the pilot scheme.

18. Since the commencement of the pilot scheme, the GBA Examination was held on 31 July 2021, 11 June 2022 and 27 May 2023 respectively, with more than 1,500 Hong Kong and Macao legal practitioners enrolled in the GBA Examination¹.

¹ See “Ministry of Justice’s person-in-charge answering reporters’ questions on the revised “Pilot Measures for Hong Kong Legal Practitioners and Macao Practising Lawyers to Obtain Mainland Practice Qualifications and to Practise as Lawyers in the Nine Mainland Municipalities in the GBA””, www.moj.gov.cn/pub/sfbgw/zcjd/202309/t20230928_487194.html.

Examination venues were set up in Hong Kong for the three GBA Examinations. Pursuant to the memorandum of understanding signed between the DoJ and the Ministry of Justice (“**MoJ**”) on 18 June 2021, the DoJ co-ordinated with the Hong Kong Examinations and Assessment Authority and government departments concerned such as the Hong Kong Police Force to handle examination-related, anti-epidemic and security work, etc., thereby assisting the MoJ in the organisation and implementation of the examination held in Hong Kong.

19. The MoJ has announced the examination results and pass marks of the three GBA Examinations². The Guangdong Lawyers Association has organised post-examination intensive training of not less than one month for Hong Kong and Macao legal practitioners who have passed the first and second GBA Examinations. Those who have completed the training and passed the assessment may apply to the Department of Justice of Guangdong Province for the Lawyer’s License (GBA) to practise in the nine Mainland municipalities in the GBA³. The post-examination intensive training for the third GBA Examination will be held in the fourth quarter of this year.

Application for practice, practice management and practice support measures

20. The Department of Justice of Guangdong Province issued the “Trial Measures on Practice Management in the Nine Mainland Municipalities in the GBA for Hong Kong Legal Practitioners and Macao Practising Lawyers” (“**Trial Measures on Practice Management**”) on 15 December 2021, which provided for rules on the practice requirements and application procedures, scope of business, supervision and management, etc. According to the Trial Measures on Practice Management, a Hong Kong legal practitioner who has obtained a Lawyer’s License (GBA) may be employed by a Mainland law firm (including a branch) in the nine Mainland municipalities in the GBA or a partnership association set up by Hong Kong, Macao and Mainland law firms in the nine Mainland municipalities in the GBA, and may also become a partner of any partnership law firm in the nine Mainland municipalities in the GBA⁴.

21. To encourage and facilitate Hong Kong legal practitioners to practise in the nine Mainland municipalities in the GBA, the Department of Justice of Guangdong Province published a procedural guide on applications for practice, and a compilation

² The MoJ announced the examination results and pass marks of the first, second and third GBA Examinations on 30 September 2021, 31 August 2022 and 24 July 2023 respectively.

³ Namely, Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen and Zhaoqing of Guangdong Province.

⁴ Articles 7 and 20 of the Trial Measures on Practice Management.

of frequently asked questions, etc. Moreover, for two consecutive years, the Guangdong Lawyers Association organised seminars on the promotion of practice for Hong Kong and Macao lawyers who have passed the GBA Examination⁵, and shared information on Mainland law firms⁶.

22. A range of support measures have also been launched by the lawyers associations of the nine Mainland municipalities in the GBA to provide Hong Kong legal practitioners who are interested to practise in these municipalities with assistance such as consultation and guidance on practice, two-way referrals and matching services. For example, the Shenzhen Practice Service Center for Hong Kong and Macao Lawyers, jointly established by the Shenzhen Lawyers Association and the Qianhai Belt and Road Legal Services Federation under the co-ordination of the Justice Bureau of Shenzhen Municipality, provides consultation and guidance for Hong Kong and Macao lawyers who are interested to practise in Shenzhen. It also makes two-way referrals, communication and matching services according to the needs of Hong Kong and Macao lawyers and Shenzhen law firms⁷.

23. Since the issuance of license in July last year up to 30 September this year, 360 Hong Kong and Macao legal practitioners had obtained the Lawyer's License (GBA) issued by the Department of Justice of Guangdong Province⁸. GBA lawyers handled

⁵ On 25 June 2022, the Guangdong Lawyers Association, under the guidance of the Department of Justice of Guangdong Province, held an online event entitled "Seminar on Promotion of Practice for GBA Lawyers" to introduce the legal practice situations in the nine Mainland municipalities in the GBA as well as the Mainland law firms to Hong Kong and Macao lawyers who had passed the inaugural GBA Examination. See https://www.sznews.com/zhuanti/content/2022-06/29/content_25221354.htm.

On 25 August 2023, the "2023 Seminar on Promotion of Practice for GBA Lawyers cum Mainland Practical Legal Affairs Exchange and Matching Session" was organised in Guangzhou by the Guangdong Lawyers Association and the Hong Kong Legal Profession Advancement Association under the guidance of the Department of Justice of Guangdong Province and the Department of Law of the Liaison Office of the Central People's Government in the HKSAR, co-organised by the lawyers associations of the nine Mainland municipalities in the GBA, and with the support of the Centre for the Promotion of Foreign-related Legal Affairs of Guangdong Province. The event featured one-on-one discussions between Hong Kong and Macao lawyers and representatives of Mainland law firms. See https://www.gd.gov.cn/gdywdt/bmdt/content/post_4243202.html and <https://www.chinalegal.com.hk/a/133300-cht>.

⁶ Detailed information of various law firms is available on the website on GBA lawyers : <https://ghm.gdbr.org.cn/>.

⁷ See https://www.gd.gov.cn/gdywdt/zwzt/ygadwq/rlt/content/post_3999133.html.

According to the Co-operative Arrangement on Legal Matters renewed by the DoJ and the Shenzhen Municipal People's Government in April 2023, the two sides will jointly promote the integration of Hong Kong legal professionals into the GBA legal services sector and provide facilitation for Hong Kong legal professionals, especially GBA lawyers, to practise in Shenzhen. See paragraph 37(3).

⁸ As announced by Mr Tian Xin, Director of the Bureau of Lawyers' Work of the MoJ, on 9 November 2023. See a news report at <https://std.stheadline.com/realtime/article/1962726>.

a cumulative total of close to 500 Mainland legal matters⁹. The pilot scheme for GBA lawyers' practice is of great significance in leveraging on the unique advantages of "one country, two systems and three jurisdictions" in the GBA. Hong Kong legal practitioners who have obtained the Lawyer's License (GBA) hold dual qualifications and are familiar with the laws of both Hong Kong and the Mainland. Their development of legal business in the nine Mainland municipalities in the GBA is conducive to nurturing talents in the practice of foreign-related legal affairs in the GBA and provides one-stop cross-boundary and cross-jurisdictional legal services for enterprises in the GBA, thereby fostering the advancement of the rule of law in the GBA.

Extending the Pilot Scheme

24. Pursuant to the decision adopted by the Standing Committee of the 13th National People's Congress on 11 August 2020, the pilot scheme for the GBA Examination was for a period of three years and would have originally expired on 4 October 2023. Since its launch, the pilot scheme has been highly recognised and well received by the Hong Kong legal sector. However, owing to objective constraints such as the pandemic, the effectiveness and advantages of the pilot scheme remain to be further demonstrated. In light of this, the DoJ proactively pursued with the MoJ and other Mainland authorities to extend the period of the pilot scheme so as to allow more interested Hong Kong legal practitioners to enrol in the examination and apply for practice.

25. On 1 September 2023, the Standing Committee of the 14th National People's Congress adopted the "Decision to Extend the Period of Authorisation for the State Council to Conduct the Pilot Scheme in the Nine Mainland Municipalities in the GBA for Hong Kong Legal Practitioners and Macao Practising Lawyers to Obtain Mainland Legal Practice Qualifications and to Practise as Lawyers" to extend the period of the pilot scheme conducted by the State Council for three years until 4 October 2026. Upon expiration of the extended period, if the pilot scheme is proved feasible, relevant laws will be revised and enhanced.

⁹ See "Explanation in relation to the "Decision to Extend the Period of Authorisation for the State Council to Conduct the Pilot Scheme in the Nine Mainland Municipalities in the GBA for Hong Kong Legal Practitioners and Macao Practising Lawyers to Obtain Mainland Legal Practice Qualifications and to Practise as Lawyers (Draft)", http://www.moj.gov.cn/pub/sfbgw/gwxw/xwyw/202309/t20230902_485574.html.

Enhancing the requirements on practice experience for enrolment in the examination

26. The DoJ has all along been communicating with the Hong Kong legal sector to understand their views on the implementation of the pilot scheme, with a view to conveying their comments to the Mainland authorities, such as the MoJ and the Department of Justice of Guangdong Province, as appropriate. It is noted that quite a number of Hong Kong legal practitioners who are interested to practise in the nine Mainland municipalities are not eligible to enrol in the examination because they have not yet accumulated the required practice experience of five years. The DoJ has proactively strived for the practice experience threshold to be lowered in order to allow more interested young lawyers to enrol in the examination.

27. On 28 September 2023, the General Office of the State Council published the revised “Pilot Measures for Hong Kong Legal Practitioners and Macao Practising Lawyers to Obtain Mainland Practice Qualifications and to Practise as Lawyers in the Nine Mainland Municipalities in the GBA”. Apart from correspondingly extending the period of the pilot scheme, the revised Pilot Measures also lowers the requirement on accumulated practice experience for enrolment in the GBA Examination from five years or above to three years or above, so as to introduce up-and-coming young lawyers into the team of GBA lawyers.

Further efforts

28. The DoJ, in collaboration with the Supreme People’s Court, the MoJ and the High People’s Court of Guangdong Province, is planning to organise the GBA lawyers’ practical legal training course, pursuant to the Record of Meeting for Enhancing Exchanges and Co-operation signed by the DoJ and the Supreme People’s Court on 28 July 2021. It is planned for the course to cover both theoretical and practical modules, so as to enhance the practical knowledge of GBA lawyers on the Mainland courts’ handling of civil and commercial matters in different areas.

29. On 19 July 2023, the DoJ and the MoJ signed the Record of Meeting for Further Deepening Exchanges and Co-operation on Talent Nurturing and Legal Services, key features of which include enhancing support for GBA lawyers and exploring the expansion of the scope of practice for GBA lawyers who have obtained Mainland legal professional practice qualifications. The DoJ will continue to communicate with the legal sector and proactively work together with the MoJ and the Department of Justice of Guangdong Province in further taking forward the pilot scheme, so as to support the legal sector’s development in the nine Mainland municipalities in the GBA.

(2) **Expanding the use of Hong Kong legal and dispute resolution services in the Mainland**

30. To further consolidate Hong Kong’s competitiveness as a centre for international legal and dispute resolution service in the Asia-Pacific region, the DoJ continues to explore opportunities for the sector in the GBA, which is a strategic pillar of the country’s new development landscape, and actively promotes Hong Kong’s legal and dispute resolution services in the Mainland, including the GBA and beyond.

Measures of “Allowing Hong Kong-invested enterprises to adopt Hong Kong law”, “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong” and prioritising the use of Hong Kong legal and dispute resolution services

31. In paragraphs 15 to 17 of the 6 November Paper, the DoJ introduced the initiatives of widening the use of Hong Kong legal and dispute resolution services by Mainland enterprises. One of these initiatives include pursuing the extension of “allowing Hong Kong-invested enterprises to adopt Hong Kong law”¹⁰ and “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong”¹¹ from Qianhai, Shenzhen and Pilot Free Trade Zones (“FTZs”) in the Mainland to the whole GBA, including the Shenzhen Park of Hetao Shenzhen-Hong Kong Science and Technology Innovation Co-operation Zone within 2024. By offering more options to Hong Kong-invested enterprises, it is hoped that more GBA enterprises will adopt Hong Kong law as the applicable law in their civil and commercial contracts and choose Hong Kong as the seat of arbitration, thus facilitating the development of a market-oriented and internationalised business environment in the GBA.

32. The measures of “allowing Hong Kong-invested enterprises to adopt Hong Kong law”, and “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong” have been well-received by Hong Kong enterprises since their launch. Having received feedbacks from the business sector expressing the wish for

¹⁰ The measure of “allowing Hong Kong-invested enterprises to adopt Hong Kong law”, which currently applies to the Qianhai Co-operation Zone of Shenzhen, allows Hong Kong-invested enterprises to agree on adopting Hong Kong law as the applicable law in their civil and commercial contracts in the absence of any “foreign-related elements”. The measure is currently operative in Qianhai, Shenzhen.

¹¹ The measure of “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong”, allows Hong Kong-invested enterprises registered in the Pilot FTZs of the Mainland to agree on choosing Hong Kong as the seat of arbitration for commercial disputes, and the relevant arbitration agreements shall not be considered as invalid due to the absence of any “foreign-related elements”. As far as the GBA is concerned, the measure applies to China (Guangdong) Pilot FTZ (i.e. Nansha New Area of Guangzhou, Qianhai-Shekou Area of Shenzhen and Hengqin New Area of Zhuhai).

early extension of the measures to the nine Mainland municipalities in the GBA, the DoJ has relayed their comments to the relevant Mainland authorities, including the Supreme People’s Court, the MoJ and the State-owned Assets Supervision and Administration Commission of the State Council, and continued to actively seek to expand the scope of the application of these measures.

33. Meanwhile, the DoJ is also striving for the state-owned enterprises’ prioritisation of choosing Hong Kong law as the applicable law for their contracts, and choosing to use Hong Kong’s dispute resolution services for resolving contractual disputes.

34. Such measures can create further opportunities for the legal sector, and at the same time leverage Hong Kong’s unique advantages in international legal and dispute resolution services. The legal sector can provide comprehensive legal services and safeguards for Mainland and overseas investors, using Hong Kong as a platform to enter the Mainland market to go global, thereby facilitating the formation of higher-quality domestic circulation and higher-level international circulation for supporting our country in achieving high-level opening up and high-quality development.

(3) Establishing a standing interfacing platform with the Supreme People’s Court

35. To fully capitalise on the strengths of “one country, two systems and three jurisdictions” and unleash the tremendous development impetus in the GBA, the DoJ is working with the Supreme People’s Court in establishing a standing interfacing platform within next year. The platform provides an official channel which is high-level, regularised and institutionalised for both sides to jointly take forward the research and practical work on judicial and legal matters relating to the GBA, with a view to resolving the difficulties arising from the differences in the legal systems, facilitating people’s livelihood and business interactions, and enhancing the development momentum in the GBA. The initiative, which is also a new policy measure of the DoJ in the 2023 Policy Address, seeks to deepen the interface of legal practices in the GBA.

36. Our preliminary plan is that the platform to be established with the Supreme People’s Court will be capable of supporting, among other things, the discussion and study of optimising the operations of the mechanisms for mutual legal assistance between the Mainland and the Hong Kong in civil and commercial matters, the sharing of suggestions and comments of the stakeholders in the two places on cross-boundary dispute resolution and other issues, and joint efforts to explore pragmatic solutions. The DoJ will continue to discuss with the Supreme People’s Court regarding the

establishment of the interfacing platform. It is expected that the platform will be established in 2024.

(4) **Continue to make good use of the other established communication platforms with Mainland authorities**

37. The DoJ will continue to make good use of other mechanisms already in place to proactively promote measures relating to facilitating the interface of legal systems and rules, as well as the connection of talents in the GBA, in order to contribute to the development of the rule of law infrastructure in the GBA. In this regard:

- (1) ***DoJ's GBA Task Force*** – The Task Force chaired by the Deputy Secretary for Justice (“**DSJ**”), has convened two meetings and worked out the way forward, focusing on, among other things: (1) the establishment of an information platform on GBA legal and dispute resolution services (2) actively seeking the expansion to Mainland cities in the GBA the measures for “allowing Hong Kong-invested enterprises to adopt Hong Kong law” and “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong”; (3) the enhancement of the existing mechanisms for mutual legal assistance in civil and commercial matters; and (4) the establishment of a panel of mediators for the GBA and the setting up of an online mediation platform for use in the GBA.
- (2) ***Guangdong-Hong Kong-Macao Greater Bay Area Legal Departments Joint Conference*** – The Joint Conference established in 2019 has endorsed, in the area of mediation, the GBA Mediator Accreditation Standards, the Mediator Code of Conduct Best Practice and the Cross-Boundary Disputes Mediation Model Rules. The DoJ is currently working on the rules to implement the Mediator Accreditation Standards in Hong Kong, to facilitate the establishment of a local list of qualified GBA mediators. The fifth Joint Conference will take place in Macao in December this year.
- (3) ***Guangdong-Hong Kong and Hong Kong-Shenzhen working groups on legal matters*** – In September 2022, the Chief Executive and the leaders of Guangdong Provincial Government and Shenzhen Municipal Government agreed on the establishment of co-operation working groups including, among others, the working group on Guangdong-Hong Kong co-operation on legal and dispute resolution services and the

working group on Hong Kong-Shenzhen legal co-operation, to strengthen Hong Kong's exchanges and collaboration with Guangdong and Shenzhen on legal matters, with a view to jointly promoting, servicing, and safeguarding the building of the rule of law in the GBA. The DoJ will continue to communicate directly with the Mainland authorities such as the Department of Justice of Guangdong Province and the Justice Bureau of Shenzhen Municipality through the two working groups to enhance liaison in taking forward important matters such as the pilot scheme for GBA lawyers' practice, partnership associations, dispute resolution services, the measure of "allowing Hong Kong-invested enterprises to adopt Hong Kong law", so as to strengthen the communication on these important issues. In particular, the DSJ renewed the "Co-operative Arrangement on Legal Matters" with the Shenzhen Municipal People's Government in April 2023, to further strengthen legal co-operation between Hong Kong and Shenzhen and provide government departments and legal sectors of both places with a platform to enhance exchanges in areas such as the promotion of integration of Hong Kong's legal profession into the development of legal services industry of the GBA.

(5) **Facilitate the Development and Promotion of the Hong Kong Legal Profession**

38. Since the full resumption of normal cross-boundary travel between the Mainland and Hong Kong in early 2023, the DoJ has been actively enhancing its interface with Mainland authorities and in-depth exchanges with the stakeholders, and have visited Mainland cities on a number of occasions (including cities in the GBA and beyond). These efforts have assisted the legal sector in exploring collaboration with Mainland stakeholders, achieved a better understanding in the latest development in the Mainland legal system, and at the same time promoted interface in the rules and legal systems in the GBA, and connection of legal talents. In this connection-

Promotional activities in the Mainland

- (1) In June 2023, the Secretary for Justice ("SJ") led a delegation comprising representatives from the two legal professional bodies and the Intellectual Property Department to visit Guangzhou and Shenzhen for the purposes of understanding the latest development of the courts and arbitral institutions in the Mainland, and the research and development and application of innovative technology; exchanging

views on matters of mutual interests, for example, in taking forward the work of the working group on Guangdong-Hong Kong co-operation on legal and dispute resolution services, the Joint Conference and the pilot scheme for GBA lawyers' practice; and conducting thematic exchanges on topics such as intellectual property laws of both places, the implementation of the measure of "allowing Hong Kong-invested enterprises to adopt Hong Kong law" and the proof of Hong Kong law in Hong Kong-related cases.

- (2) In August 2023, the SJ led a delegation of over 100 representatives from the HKBA, the LSHK and the legal sector to visit Chengdu and Beijing. The visit aimed at fostering exchanges and co-operation between the Mainland and Hong Kong, and encouraging Mainland enterprises to make use of our professional legal and dispute resolution services.
- (3) In September and November 2023, DSJ led a delegation comprising young representatives of the legal sector and students from the three law schools to visit Mainland courts, law-related authorities, major businesses and youth incubation centres in Huizhou, Foshan and Shenzhen. The visits aimed at improving their understanding of the role of the Hong Kong legal sector in assisting enterprises to respond to the legal risks arising from cross-boundary businesses; exchanging views on matters including the starting of businesses in the GBA by the Hong Kong legal sector; and exploring room for enhancing co-operation between the legal sectors of the Mainland and Hong Kong, including how to further encourage barristers and solicitors who passed the GBA lawyers' exam in Hong Kong to expand their businesses in the relevant cities.
- (4) In September 2023, DSJ led a delegation comprising representatives from the HKBA, the LSHK and the legal sector to attend a seminar in Hainan to promote the unique advantages of Hong Kong's legal and dispute resolution services to around 280 attendees, which included representatives from the Mainland enterprises and the legal sector, thereby reinforcing the co-operation between Hainan and Hong Kong.

Promotional activities in Hong Kong

- (5) The DoJ organised its annual flagship promotional event – Hong Kong Legal Week 2023 in November this year. The event attracted more

than 11,000 physical and online participants from over 50 jurisdictions. In addition to a forum with the theme on GBA, for the first time, Hong Kong, Macao and the Nine Mainland Municipalities in the GBA set up thematic booths on legal services at the event. The Hong Kong Legal Week continues to serve as a platform for the DoJ to strengthen co-operation with the Hong Kong legal sector and other stakeholders to enhance the depth and breadth of the industry's exchanges, and co-operation with counterparts at home and abroad in order to further promote Hong Kong's legal services.

C. Conclusion

39. Looking ahead, the DoJ will continue to actively promote the professional development of the Hong Kong legal sector and implement the relevant policy initiatives under the Policy Address 2023, in order to fully capitalise on the advantages of the Hong Kong's common law system and leverage on our strengths to address the needs of our country. We endeavor to facilitate the Hong Kong legal sector to support the long-term development of the "eight centres" under the National 14th Five-Year Plan with their quality and diverse professional services, while working with the industry hand-in-hand to tell the good story of Hong Kong's rule of law both within and outside the region, to further reinforce our solid foundation of the rule of law and contribute to its development in our country.

Department of Justice

November 2023