

Hong Kong Legal Week 2024
‘Rule of Law: The Best Business Environment’

Opening Remarks

Secretary for Justice, Vice-Minister Wang Zhenjiang, honoured guests, ladies and gentlemen,

1. It is a privilege to speak on the occasion of Hong Kong Legal Week, now a fixture of the city’s legal calendar. Amongst other things, the event has become a forum for considering contemporary challenges and emerging issues facing the legal profession in Hong Kong – a city whose adherence to the rule of law has long been central to its stability and economic success. The rule of law is not merely a formalistic concept. It is the bedrock of a developed society, and nowhere is this more evident than in its provision of a secure and predictable business environment.

2. The theme of today’s discussion, “Rule of Law: The Best Business Environment”, is a reminder that the rule of law is indispensable to the functioning of any successful economy. It is the precondition for legal certainty, without which no economic actor can confidently plan for the future. In Hong Kong, the rule of law has been grounded in the common law tradition, which continues to play a central role under the “One Country, Two Systems” framework.

Article 8 of the Basic Law guarantees the continuation of the common law system, and this has been crucial in maintaining Hong Kong's distinctive legal identity. The common law's emphasis on consistency, clarity, and fairness has provided the stability upon which Hong Kong's prosperity has been built.

3. At the heart of this system lies the rule of law, an idea that goes far beyond the mere existence of laws. As a principle, it demands that laws be clearly articulated, properly enacted, and accessible to all. But it also requires that laws be consistently and fairly enforced, with effective mechanisms for resolving disputes. This is not simply about maintaining order; it is about ensuring that every individual, regardless of their status, has access to justice.

4. Hong Kong's commitment to the rule of law is also reflected in its protection of fundamental rights. These rights, enshrined in Chapter III of the Basic Law and safeguarded by the Hong Kong Bill of Rights, are based on internationally recognised standards. They provide a framework within which the law operates, ensuring that basic freedoms and liberties are protected. Although many of these rights are subject to limitations, what is important is that they are interpreted and enforced by an independent judiciary which guards against arbitrary and disproportionate restrictions.

5. Judicial independence is, of course, one of the central pillars of the rule of law. Without it, there can be no confidence that the law will be applied fairly or impartially. The Basic Law rightly enshrines this principle, guaranteeing the independence of the judiciary and ensuring that judges are appointed based on their judicial and professional attributes, not on any extraneous considerations. The ability of a judiciary to operate free from external interference is essential to maintaining public confidence in the legal system. If there is any compromise of this independence, the public's trust in the administration of justice – and by extension, in the rule of law itself – will inevitably be undermined.

6. This trust, however, does not arise automatically; nor can it be taken for granted. It is fostered and maintained through transparency and accountability. In Hong Kong, judicial proceedings are open to the public, decisions are announced openly, and the courts provide detailed written reasons for their decisions. These practices are essential to maintaining the legitimacy of the judiciary in the eyes of the public. People come to the courts with the expectation that their disputes will be resolved fairly and impartially, and the transparency of the process, along with accessible and effective appeal mechanisms, is crucial in reinforcing that expectation.

7. Hong Kong's reputation for upholding the rule of law and for the impartial administration of justice, together with its continued adherence to the common law tradition, makes the city an attractive destination for businesses and investments. Furthermore, Hong Kong's ability to attract and retain international legal talent, as well as its capacity to provide world-class legal services, not only enhances its standing as a centre for international dispute resolution but also reinforces the rule of law itself.

8. For the rule of law also depends on the quality and independence of the legal profession. Lawyers play a pivotal role in upholding the rule of law by providing independent and high-quality legal advice. They are essential not only in litigation but also in alternative dispute resolution. Whether advising clients on their rights, representing them in court, or making submissions to judges, lawyers ensure that legal rights are effectively protected. In an adversarial system, the role of the lawyer is indispensable to the proper functioning of the courts. And this role is no less vital in arbitration or other alternative forms of dispute resolution, where the rule of law must still be upheld.

9. In this regard, it is essential that Hong Kong continues to nurture its own legal talent. While, as mentioned, the city has undoubtedly succeeded in attracting international legal professionals,

it cannot afford to neglect the development of local expertise, which must be cultivated to meet the highest international standards. Hong Kong's legal education system is already well-established, producing graduates of exceptional calibre who supply both branches of the legal profession. However, the work does not end there. Investing in junior lawyers – whether through continued professional training, financial support, or opportunities for exchange and broader exposure – represents not only a prudent allocation of resources but a vital investment in the future of the rule of law itself. The strength and independence of the legal profession, upon which the rule of law depends, will ultimately rest on the quality of the next generation of lawyers.

10. In conclusion, the rule of law is not merely a theoretical construct; it is the foundation upon which Hong Kong's legal, social, and economic systems are built. It ensures that the law is applied fairly and consistently, that rights are protected, and that disputes are resolved impartially. It is the guarantee of legal certainty and the cornerstone of a stable business environment. As we look forward to the discussions of today, it is worth remembering that the rule of law, judicial independence, and the strength of the legal profession are not just abstract principles – they are the very conditions upon which Hong Kong's continued success depends.

11. I would like to express my gratitude to the Secretary for Justice and the Department of Justice for their meticulous organisation of this event. Their dedication to promoting the rule of law and fostering international legal co-operation is commendable. I look forward to the discussions ahead, which will undoubtedly deepen our understanding of the challenges and opportunities facing Hong Kong's legal system in the years to come.

12. Thank you.