

Opening Remarks by the Chief Justice of Hong Kong
at the Eighth Seminar of Senior Judges from across the Strait, Hong Kong
and Macao (English Translation)

President Zhang, Chairman Chen, President Song, fellow judges and distinguished guests,

On behalf of the Judiciary of the Hong Kong Special Administrative Region, I extend a warm welcome to you all to Hong Kong for the Eighth Seminar of Senior Judges from across the Strait, Hong Kong and Macao. We are delighted to gather at this important seminar with colleagues from the legal and judicial communities across both sides of the Strait and Macao, to engage in exchanges and dialogue. We also wish all participants fruitful and successful discussions over the next two days.

The theme of this year's forum is "The Emerging Challenges and Opportunities in Judicial Work". In a rapidly changing world, the Hong Kong Judiciary faces both challenges and opportunities. The ever-rising caseload and increasing complexity of cases underscore the imperative of proactively recruiting outstanding judicial talent to ensure fairness and efficiency in the administration of justice. The growth in cross-border disputes places higher demands on procedural design and inter-court cooperation. Meanwhile, the swift development of artificial intelligence is transforming legal services and court operations. While steadfastly upholding the rule of law and judicial independence, we shall take a clear-eyed view of the times, respond proactively, and seize opportunities for technological and institutional innovation. Today is not only an occasion for exchanging experience; it is also a moment for identifying solutions together and grasping new opportunities.

On this occasion, allow me to introduce briefly four priority areas of our work.

1. Streamlining procedure and strengthening case management

Pursuant to Article 8 of the Basic Law of the HKSAR and under the principle of “one country, two systems”, Hong Kong continues to practise the common law. The common law places a premium on procedural justice but must also take account of efficiency, and there is an inherent tension between the two. Our adversarial system is party-driven, with judges safeguarding due process and determining disputes on the basis of arguments and evidence. Yet parties vying for procedural advantage can readily prolong litigation, increasing time and costs and adding to the courts’ workload. To address increasing volume and complexity, we have continued to simplify procedure and reduce costs without compromising substantive justice: a major civil justice reform was completed in 2009; in recent years we have continued to refine family procedures; and judges have taken a more proactive role in case management to expedite proceedings. The key here is to ensure that judges have sufficient time for preparation in advance. We shall therefore continue to strengthen judicial recruitment, resource allocation, and workflows, so that adjudication remains both high-quality and efficient.

2. Advancing alternative dispute resolution (ADR)

Following the civil justice reform, we have placed greater emphasis on ADR to support, and at times to substitute for, traditional litigation.

- Arbitration: Hong Kong has a long history of arbitration. Within the framework of the UNCITRAL Model Law on International Commercial Arbitration, our courts may grant interim measures; third-party funding and outcome-related fee structures are also permitted. Arbitral awards are mutually recognised and enforceable between Hong Kong and the Mainland as well as Macao. We have also concluded an arrangement with the Mainland for mutual assistance in interim measures in aid of arbitration, thereby enhancing our institutional attractiveness and scope for innovation.
- Mediation: The Judiciary has established a dedicated office to provide information and pre-mediation consultations. Mediation schemes operate across different court levels, with judges taking a more active role in facilitating dialogue and narrowing differences, resulting in many successful settlements.

The flourishing of ADR not only helps to alleviate court caseloads and preserve a high degree of confidentiality; it also signifies that our dispute resolution ecosystem is moving towards greater diversity and efficiency. As we promote ADR proactively, we shall also maintain balance with the development of the common law through case precedents, avoiding excessive offshoring of civil and commercial disputes that might impede the accumulation of case law. At the same time, since Hong Kong's judges are principally recruited from the legal profession, and as more senior practitioners serve as arbitrators, we must ensure a sustained pipeline of talent for the Judiciary.

3. Strengthening co-operation with the Mainland and other jurisdictions

Under common law principles, final and enforceable foreign money judgments may be enforced in Hong Kong, and we have also provided additional, more convenient routes through legislation beyond the common law.

In early 2024, Hong Kong and the Supreme People's Court implemented a new arrangement for the mutual recognition and enforcement of civil and commercial judgments, broadening the scope of coverage and deepening judicial cooperation. In 2021, a record of meeting on mutual recognition of and assistance in insolvency proceedings was signed: the Hong Kong courts may, in accordance with common law principles, entertain applications by Mainland Intermediate People's Courts for recognition and assistance in respect of office-holders appointed by those courts to perform specified functions in Hong Kong; conversely, a Hong Kong liquidator who can demonstrate that the company being wound up in Hong Kong has had its centre of main interests in Hong Kong continuously for more than six months may, with the approval of the Hong Kong court, apply to the Intermediate People's Courts of Shanghai, Xiamen, and Shenzhen for recognition and assistance to perform specified functions within those three pilot courts' jurisdictions. The regime has operated smoothly.

Externally, Hong Kong courts also handle expeditiously requests for cross-border insolvency assistance from both civil law and common law jurisdictions, typically completing such applications within one to two months.

4. Accelerating judicial technology, with prudent application

We are improving efficiency on multiple fronts:

- Fully digitising litigation procedures, with a phased plan beginning next year to mandate use by legally represented parties;
- Extensive use of electronic bundles to facilitate hearings for judges and legal representatives;
- Completing installation of speech-to-text systems in the Court of Final Appeal and the High Court buildings to expedite transcript production;
- Conducting more suitable hearings by remote means, in step with enabling legislation;
- Livestreaming suitable hearings of the Court of Final Appeal to enhance transparency.

As to artificial intelligence, we shall harness its efficiencies while maintaining rigorous safeguards. The courts will strictly verify all documents and remain vigilant against errors or misleading content arising from AI “hallucinations”. In July last year, the Judiciary issued guidance to judges on the prudent use of AI and is considering the issuance of relevant directions to the legal profession.

On the topics I have briefly touched upon, I am confident that over the next two days we shall inspire one another, pool our wisdom, and together enhance the efficiency and capability of courts in our respective jurisdictions, thereby advancing the rule of law. I wish the seminar every success. Thank you.