

## Safe City

### Overview

Hong Kong's greatest strength – the rule of law – is the cornerstone of its success as a leading international commercial and financial centre. Safeguarded by an independent judiciary, it ensures a secure environment for people and organisations and a level playing field for business.

The rule of law helps make Hong Kong one of the world's safest cities, with overall crime rates among the lowest. No one is above the law. All persons, regardless of race, colour, sex, religion, political affiliation or opinion, are equal before the law. Private individuals, legal persons and public entities all have the right to access to courts to enforce legal rights or defend an action.

The Basic Law safeguards all freedoms enshrined in the charter of human rights, such as freedoms of press, speech, movement, assembly, religion and the right to peaceful protest.

### Legal System

Under the 'One Country, Two Systems' principle, Hong Kong has retained a legal system based on the common law, supplemented by local legislation. Under the authority of the National People's Congress of the People's Republic of China, Hong Kong enjoys executive, legislative and independent judicial powers, including final adjudication.

The laws previously in force before the return to the motherland in 1997, including common law, rules of equity, ordinances, subordinate legislation and customary law have also been maintained under the Basic Law.

Hong Kong has retained the institutions and core values that underpinned the previous legal system, such as the presumption of innocence, freedoms of

expression and association and the right to a fair trial.

The Secretary for Justice is the Government's chief legal adviser and a member of the Executive Council. The Department of Justice has ultimate authority for criminal prosecutions in Hong Kong, and remains free from any interference.

Legal aid is provided for those who qualify under a means test, ensuring that anyone who has reasonable grounds for pursuing or defending a legal action is not prevented from doing so due to a lack of means.

The Law Reform Commission, established in 1980, is chaired by the Secretary for Justice and comprises academics, lawyers and prominent members of the community.

As at April 2013, Hong Kong's legal sector had 1 189 barristers, 7 484 solicitors, 1 474 registered foreign lawyers, 810 local law firms, 71 foreign law firms and 33 registered associations between local and foreign law firms.

### Independent Judiciary

Hong Kong retains the pre-1997 judicial system. Judges exercise judicial power independently, free from any interference. The same common law traditions are retained. The power of final adjudication is now vested in Hong Kong's Court of Final Appeal (CFA), replacing the former role of the Privy Council in London.

The CFA is a collegiate court of five judges, comprising the Chief Justice, three permanent judges and one non-permanent judge. The Basic Law provides for the participation of overseas judges in the court. In addition to Hong Kong judges, judges from other common law jurisdictions may be

invited to sit on the CFA, allowing the court to draw on their experience, while maintaining close links with other common law jurisdictions.

### Dispute Resolution Centre

Leveraging its strengths – a mature legal system, an independent judiciary, a large pool of experienced professionals, including lawyers, accountants, engineers, architects, surveyors, and so on – Hong Kong is rapidly progressing towards becoming a centre for dispute resolution in the Asia-Pacific region.

In June 2011, a new Arbitration Ordinance came into effect to reform the arbitration law based on the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law. In July 2013, legislative amendments were passed by the Legislative Council through the Arbitration (Amendment) Ordinance 2013 was amended to further enhance the arbitration regime in Hong Kong.

The Hong Kong International Arbitration Centre (HKIAC) is instrumental in helping Hong Kong develop as a dispute resolution centre for the Asia-Pacific region. In 2012, 199 cases (representing 68 per cent) out of 293 handled by the HKIAC were international cases.

The International Court of Arbitration of the International Chamber of Commerce established a branch of its secretariat in Hong Kong in 2008. The establishment in 2012 of the China International Economic and Trade Arbitration Commission Hong Kong Arbitration Centre and the Asia Pacific Regional Office of the Hague Conference on Private International Law in Hong Kong is a strong endorsement of Hong Kong's advantage as a legal services hub in the Asia-Pacific region.

Arbitration awards made in Hong Kong are enforceable through the courts of more than 140 jurisdictions by virtue of the New York Convention, our arrangement with Mainland China on reciprocal enforcement of arbitral awards since 1999 and a similar arrangement made with Macao in 2013.

With the rapid economic development of China, Hong Kong is increasingly being designated as the place for the resolution of Mainland-related disputes, further strengthening the city's status as a centre for dispute resolution in the region.

### Law Enforcement

The Government is responsible for law and order within Hong Kong, which includes maintaining the integrity of the sea and land boundaries with Mainland China as a separate customs and immigration territory.

The Hong Kong Police Force – often referred to as 'Asia's finest' – is well trained and equipped. The police-to-population ratio of almost 400 officers for every 100 000 people is one of the highest in the world. The average response time of the Police Force to an incident is about five minutes – among the fastest in Asia.

In 2012, Hong Kong Police established a special Cyber Security Centre to enhance protection of our critical infrastructure and guard against cyber-attacks.

Hong Kong works closely with Mainland Public Security Authorities, regional partners and international law enforcement agencies to combat cross-boundary and transnational crime. These close relationships, involving high-level visits, bilateral agreements, training exchanges and Interpol work, help Hong Kong fight organised crime, narcotics, money laundering, commercial fraud and cybercrime.

Customs and Excise officers are active in the fight against illegal trade, smuggling and trafficking narcotics. They also help safeguard intellectual property

rights, protect consumer interests and uphold Hong Kong's trading integrity. The Customs and Excise Department shares intelligence and collaborates with overseas customs administrations and law enforcement agencies. It also liaises closely with Mainland and Macao Customs and other local agencies to fight customs crimes.

Immigration officers exercise stringent immigration control and handle over 260 million inbound and outbound movements a year. They also work with other law enforcement agencies to combat illegal employment and other acts which breach a person's conditions of stay in Hong Kong. The Immigration Department has regular dealings with counterparts outside Hong Kong and locally-based foreign consulates to share intelligence and cooperate on immigration matters. The department also facilitates the admission of talents and professionals from different parts of the world and enhances travel convenience for Hong Kong residents. The department issues Hong Kong Special Administrative Region passports and other travel documents as well as identity cards.

### Clean and Fair

With a sound anti-corruption system in both the public and private sectors, corruption is well under control in Hong Kong. The Independent Commission Against Corruption's robust anti-corruption campaign, strongly supported by the community, is a major force in fostering a clean civil service and a level playing field for businesses. Hong Kong's holistic anti-graft strategy, implemented through investigation, prevention and education, is hailed as a model of success in fighting corruption.

In 2012, Transparency International's Corruption Perceptions Index ranked Hong Kong the 14th least corrupt among 176 countries and territories around the world and the second least corrupt in Asia.

The Heritage Foundation, which hailed Hong Kong as the world's freest economy for the 19th consecutive year in its 2013 Index of Economic Freedom, cited Hong Kong's effective anti-corruption measures and rule of law as strong points.

### Why Hong Kong is a Safe City

Hong Kong is one of the world's safest large cities, with one of the lowest crime rates, for several reasons:

- Human rights protected by the Basic Law.
- Highly visible presence of police officers patrolling the streets on foot and in vehicles 24 hours a day.
- Strictly enforced laws on the ownership and possession of guns and other lethal weapons.
- Ratio of nearly 400 officers for every 100 000 people – one of the world's highest.
- A law-abiding community that respects the rule of law and law enforcement officers.
- As a separate customs and immigration territory, rigorous enforcement of the integrity of sea and land boundaries with Mainland China.
- Although terrorist links have never been a feature of the political environment and there is no known terrorist infrastructure or support base here, Hong Kong's security establishment remains vigilant against the threat.

For more information, please visit  
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