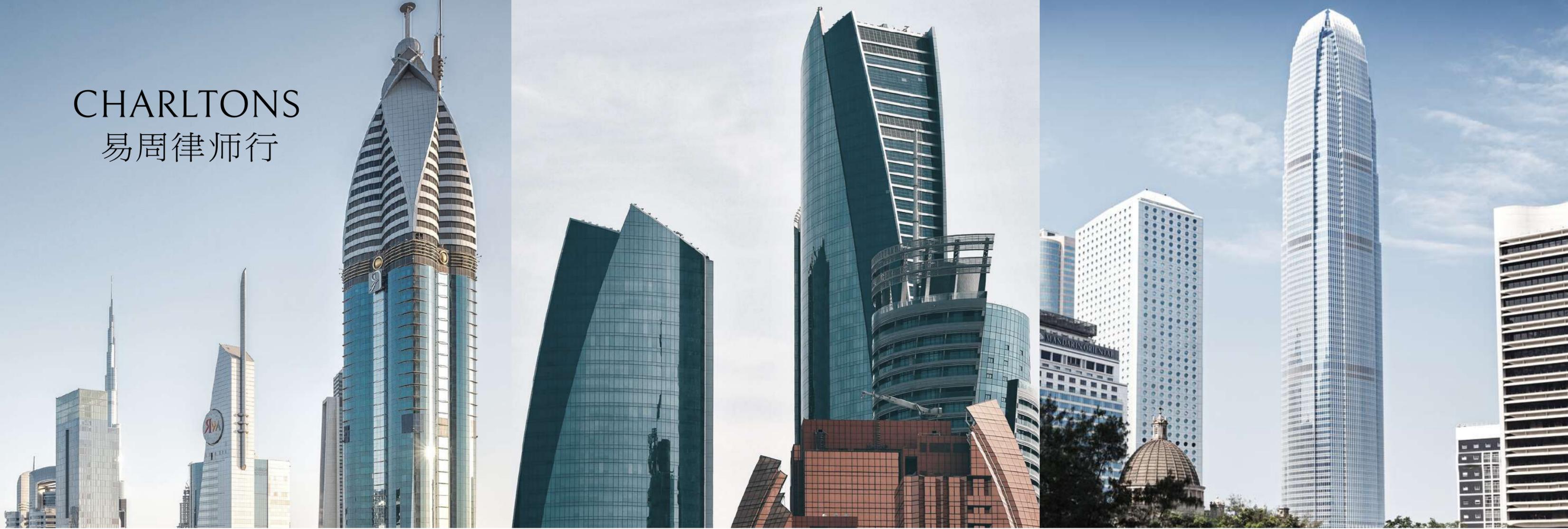


CHARLTONS  
易周律师行



# A TALE OF THREE CITIES:

OVERVIEW OF THE LEGAL SYSTEMS OF  
ABU DHABI, DUBAI AND HONG KONG SAR

**ALSUWAIDI**  
& C O M P A N Y



ABU DHABI GLOBAL MARKET  
سوق أبوظبي العالمي

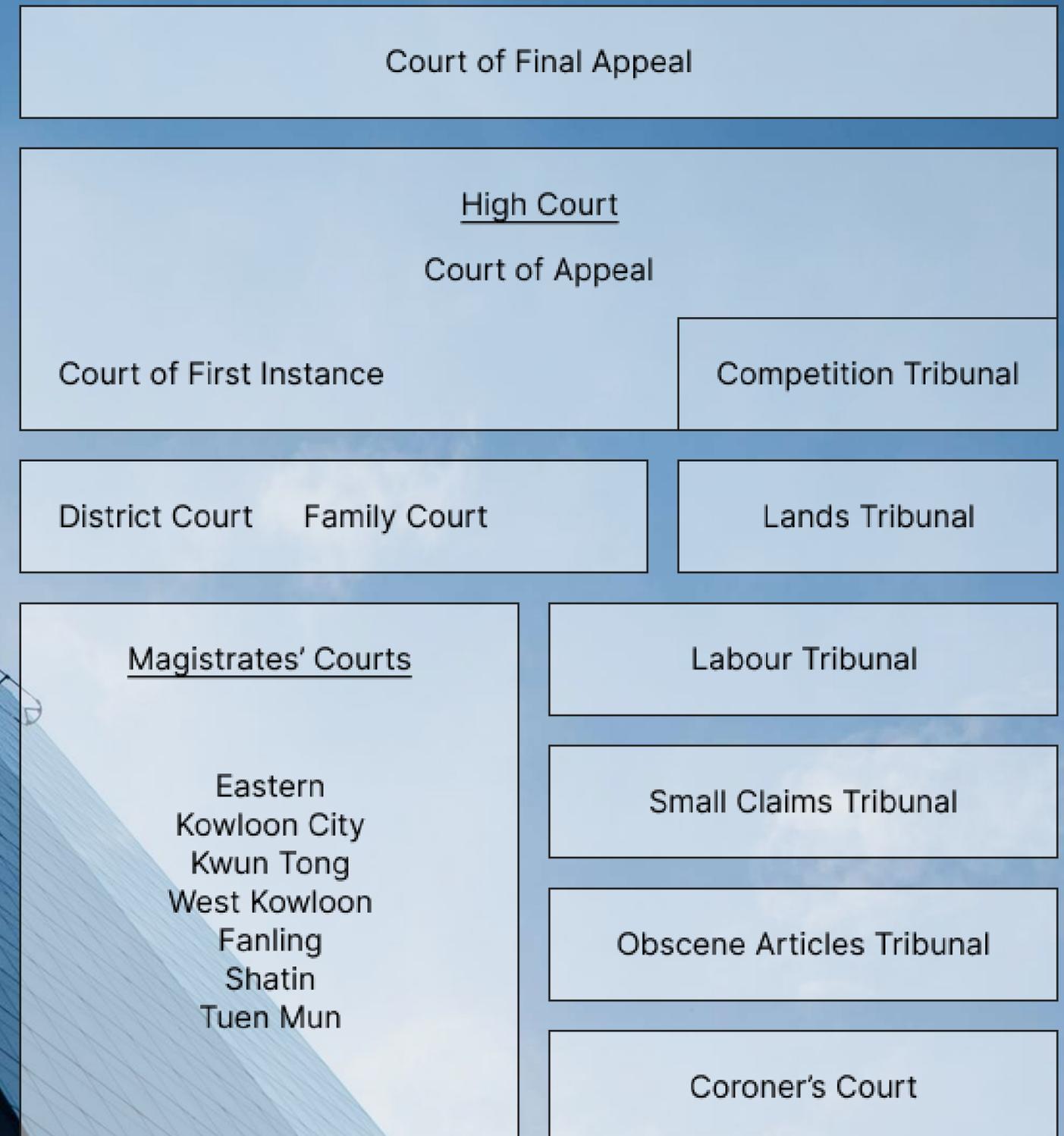
# OVERVIEW OF THE HONG KONG LEGAL SYSTEM

- Hong Kong operates under the “One Country, Two Systems” principle
- The city’s political system is comprised of
  - The Executive
    - The Chief Executive
    - The Executive Council
  - The Legislature
    - The Legislative Council
    - The District Council
  - The Judiciary
    - It “is responsible for the administration of justice in Hong Kong [...], hears all prosecutions and civil disputes [... and] is completely independent of the executive authorities and legislature”



# OVERVIEW OF THE HONG KONG LEGAL SYSTEM

## Structure of the Hong Kong Courts



Source: Hong Kong Judiciary

# DOING BUSINESS IN HONG KONG FROM A LEGAL AND REGULATORY STANDPOINT



**3<sup>rd</sup>** in the World Bank's "Ease of Doing Business Ranking" for 2020

**18<sup>th</sup>** in terms of Regulatory Enforcement in the World Justice Reports Rule of Law Index 2022

Source: 2021 International Arbitration Survey

# DOING BUSINESS IN HONG KONG FROM A LEGAL AND REGULATORY STANDPOINT

## Setting up a company in Hong Kong

- Companies in Hong Kong are incorporated under the Companies Ordinance (Cap.622) by the Companies Registry
  - There is no law or regulation requiring a local resident to act as director or shareholder of a company
- Main types of entities
  - a company incorporated in Hong Kong- private/ public, limited by shares/ guarantee
  - a branch office- registered non-Hong Kong company
- Other types of entities
  - sole proprietorship
  - partnership/limited partnership



# DOING BUSINESS IN HONG KONG FROM A LEGAL AND REGULATORY STANDPOINT

The proposed re-domiciliation regime

- The FSTB proposed an amendment to the Companies Ordinance to introduce an inward re-domiciliation regime



# LISTING OPPORTUNITIES ON THE HONG KONG STOCK EXCHANGE

The stock exchange in Hong Kong is operated by the Stock Exchange of Hong Kong (SEHK) and it is listed and its shares trade on itself.

To avoid actual or potential conflicts of interest, the Stock Exchange of Hong Kong is regulated by the Securities and Futures Commission.



# LISTING OPPORTUNITIES ON THE HONG KONG STOCK EXCHANGE

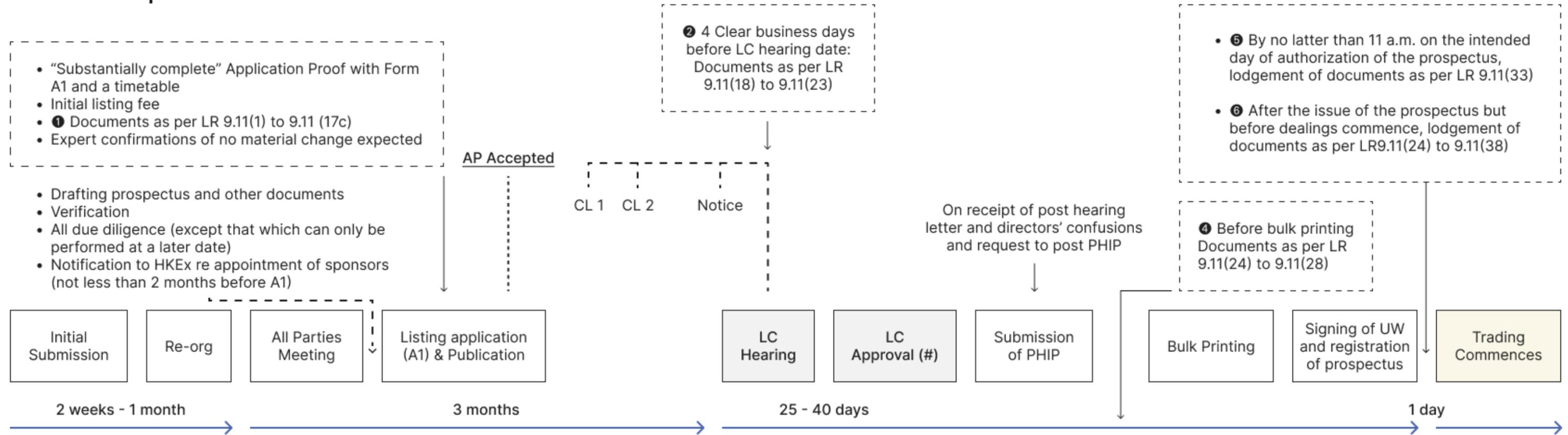
Types of listing on the Hong Kong Stock Exchange

- **Main Board Includes:**
  - *Pre-Revenue/Pre-Profit Biotech Companies*
  - *Mineral Companies*
  - *Weighted Voting Rights Companies*
  - *Overseas Secondary Listed Companies*
  - *Special Purpose Acquisition Companies*
- **GEM Board**



# LISTING OPPORTUNITIES ON THE HONG KONG STOCK EXCHANGE

## The IPO process



#	Rejections can be appealed through a separate mechanism
A1	Form A1 in Appendix 5 to the Main Board Listing Rules with a timetable
AP	Application Proof
CL1	Comment Letter 1 - within 10 days of receipt of AP
CL2	Comment letter 2 (if any) - WITHIN 10 days of replies to CL1
LC	Listing Committee
LR	Listing Rules of the Main Board of the HKEx
Notice	Listing Rules of the Main Board of the HKEx
PHIP	Post Hearing Information Pack
UW	Underwriting agreement

# ARBITRATION IN HONG KONG

The top five preferred seats for arbitration



ICC (The International Chamber of Commerce)



SIAC (The Singapore International Arbitration Centre)



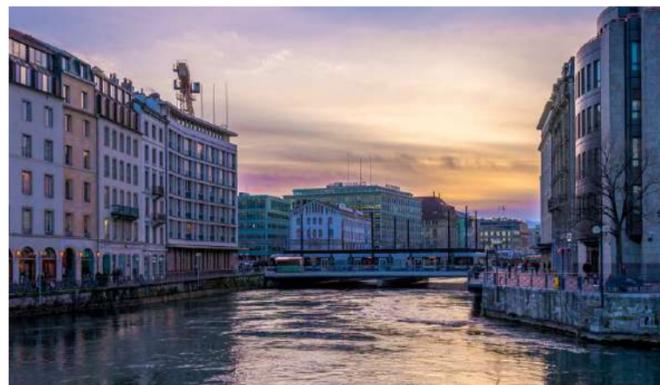
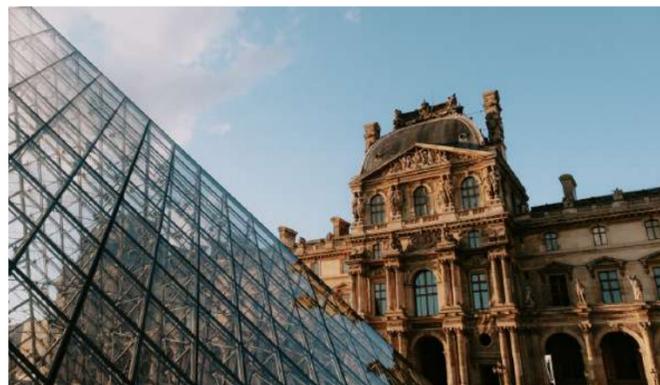
HKIAC (The Hong Kong International Arbitration Centre)



LCIA (The London Court of International Arbitration)



CIETAC (The China International Economic Trade Arbitration)



# ARBITRATION IN HONG KONG

- Arbitration in Hong Kong is primarily governed under the Arbitration Ordinance (Cap.341)
- The Arbitration Process
  - It is usually up to the parties to agree on how to resolve the dispute. However, there are mandatory provisions specified in the Arbitration Ordinance
- Non-Arbitrable Disputes
  - While matters related to criminal law, actions in rem against vessels, administrative law and certain consumer disputes are non-arbitrable, those relating to the transfer and licensing of IP rights and IP infringement claims are

# ARBITRATION IN HONG KONG



- Enforcement

- Hong Kong courts have the authority to issue an injunction in support of arbitral proceedings and appoint interim receivers. It is also possible for parties to seek interim relief from the PRC courts via the Interim Relief Arrangement

- Arbitral Awards

- Types of arbitral awards available in Hong Kong are-  
Hong Kong awards and non-  
New York Convention awards  
New York Convention awards  
PRC awards and Macau awards

# HONG KONG'S ROLE IN THE GREATER BAY AREA INITIATIVE

*A globally competitive economic powerhouse.*

Land Area: 56,000 kmsq  
Population: 86.6 million

World Class Services: 64% of GDP output  
from the tertiary sector

US\$  
1.9 trillion

the GDP of the Guangdong- Hong Kong- Macao  
Greater Bay Area

Sources: HKTDC and The Global Innovation Index 2022



# HONG KONG'S ROLE IN THE GREATER BAY AREA INITIATIVE

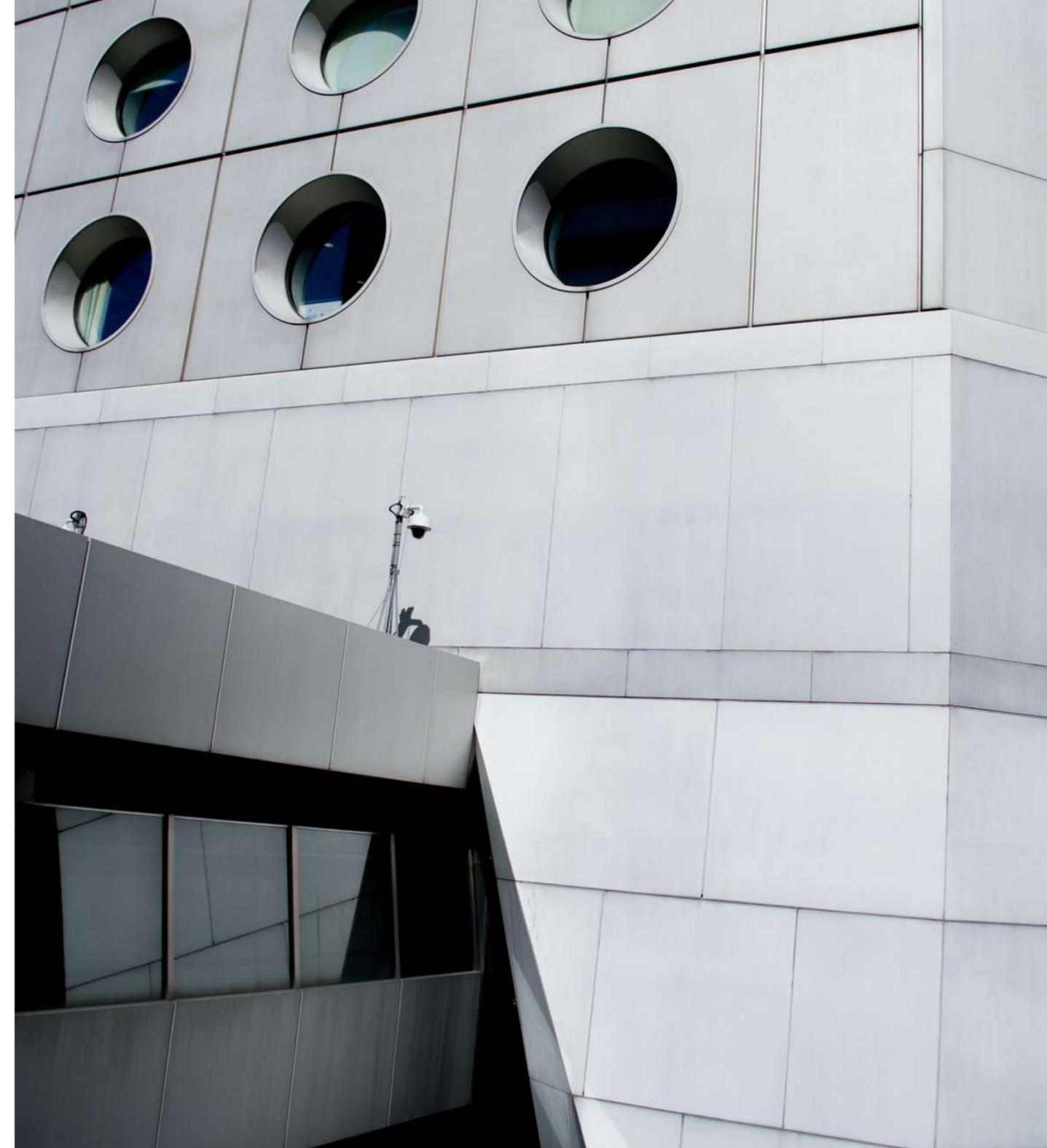
## The Top Science & Technology Clusters:

Tokyo,  
Shenzhen-Hong Kong-Guangzhou,  
Beijing,  
Seoul,  
San Jose-San Francisco



# HONG KONG'S ROLE IN THE GREATER BAY AREA INITIATIVE

- The 2017 Framework Agreement
  - Hong Kong's role is "to consolidate and enhance its status as international financial, transportation and trade centres, strengthen its status as a global offshore Renminbi business hub and an international asset management centre, promote the development of its professional services and innovation and technology industries, and establish a centre for international legal and dispute resolution services in the Asia-Pacific Region"



# HONG KONG'S ROLE IN THE GREATER BAY AREA INITIATIVE

- The 2019 Greater Bay Area Outline Development Plan
  - Reiterated Hong Kong's role as a global RMB business hub, and an international asset management and risk management centre
- Financial services initiatives since 2019
  - Cross-boundary Wealth Management Connect
  - Expansion of Stock Connect

