

Vision 2030 for Rule of Law

Foreword – Rule of Law is a key to global and national developments

In 2015, all members of the United Nations have adopted the 2030 Agenda for Sustainable Development (the Agenda), which points out the direction for the world to achieve a better and more sustainable future. The 17 goals under the Agenda were adopted by all Member States of the United Nations in 2015 to address global challenges, including poverty, inequality, climate change, environmental degradation, peace and justice etc.; while partners in the world were requested to participate in the implementation of the Sustainable Development Goals (SDGs), strengthening global, regional and national co-operation. The 17 goals are interconnected, with the rule of law being a pillar for its successful implementation. In particular, Target 16.3 under Goal 16 seeks to promote the rule of law at the national and international levels, and ensure equal access to justice for all.

2. The national policy of China also emphasises governing the

nation in accordance with the law and the comprehensive implementation and promotion of the rule of law and anti-corruption. As President Xi Jinping stressed, *“the experiences drawn from reform and opening up over the past 40 years have shown that reform and development can't be carried out without the rule of law, the further reform and opening-up goes, the more important the rule of law becomes.”*¹ President Xi Jinping further opined that efforts have to be made in order to strengthen the legal system, in order to create a stable and legalistic environment for implementing further reforms.

3. At the same time, as the Belt and Road Initiative continues to develop, there are increasing demands for the enactment of relevant legal and regulatory frameworks. In particular, it is crucial for countries alongside the Belt and Road to have a high standard of administration of the rule of law and an efficient government free of corruption.

4. In the Statement of the Co-Chairs of the Forum on the Belt and Road Legal Co-operation 2018, legal co-operation was specifically

¹ “Xi urges improvements to rule of law”, Ministry of Justice of the People’s Republic of China http://en.moj.gov.cn/2019-02/27/c_387859.htm

mentioned as an indispensable field of and link for international co-operation under the Belt and Road Initiative, which should be developed on the basis of the principle of “extensive consultation, joint contribution and shared benefits”. In his congratulatory letter to the opening of the China Forum on International Legal Co-operation (2019), President Xi Jinping remarked that *“jointly building the Belt and Road Initiative requires legal guarantees. China is ready to work with other countries to create a sound legal environment, establish a set of global economic and trade rules that is fair, reasonable and transparent and promote high-quality development of the Belt and Road Initiative to better benefit people from various countries.”*² In the Chairs’ Statement of the said Forum, it was also reiterated that *“legal co-operation is an indispensable and important part of the Belt and Road co-operation, and rule of law is an indispensable and important foundation and guarantee for the Belt and Road Initiative. ... It is recommended that all participating parties further enhance co-operation with international and regional organizations in related fields and intensify multi-level, multi-channel and comprehensive*

² “Director-General of the Department of Treaty and Law of the Foreign Ministry Jia Guide Attends the 2019 China Forum on International Legal Cooperation”, 2019/11/13, MFA News, Ministry of Foreign Affairs of the People’s Republic of China
https://www.fmprc.gov.cn/mfa_eng/wjbxw/t1716050.shtml

legal co-operation, in order to lay a solid legal foundation for the Belt and Road Initiative.”³ The call for legal co-operation under the Belt and Road Initiative fully echoes the relevant aspects of SDGs relating to the rule of law.

Vision 2030

5. In this connection, in support of the SDGs of the United Nations, the relevant national development on the rule of law, and the all-round legal co-operation under the Belt and Road Initiative; as well as to reinforce the societal recognition and implementation of the rule of law in Hong Kong SAR, to foster the sustainable implementation of the principle of “One Country, Two Systems” and to ensure the long-term prosperity and stability of Hong Kong SAR, the Department of Justice (DoJ) has launched a ten-year visionary initiative, Vision 2030 for Rule of Law (Vision 2030). This initiative seeks to promote the proper understanding and recognition of the rule of law by studying its various elements through research, stakeholders’ collaboration and capacity building, thereby contributing to

³ Chairs’ Statement of the China Forum on International Legal Cooperation (Guangzhou, China, November 11, 2019), China Law Society
<https://www.chinalaw.org.cn/portal/article/index/id/27162.html>

the sustainable development of inclusive and fair societies at both the domestic and international levels.

6. High level policy support from the Hong Kong SAR Government had been given to Vision 2030. In the 2019 Policy Address (Supplement), the Chief Executive supports the launch of Vision 2030, a visionary initiative which spans over ten years for the promotion and education of the rule of law. In the 2020-21 Budget, the Financial Secretary has also earmarked about HK\$450 million for DoJ to implement Vision 2030, which is a ten-year initiative intended to cover the necessary human resources and other operational expenses.

7. Concrete tasks under Vision 2030 will include:

- (a) Facilitating inclusive stakeholders' collaboration;
- (b) Encouraging academic and professional exchange and research;
- (c) Enhancing capacity building and dissemination of proper information; and
- (d) Organizing promotional activities and contributing to

building a strong rule of law community within this region and beyond.

8. Vision 2030 comprises short, medium and long term targets. As the first step, a Task Force on Vision 2030 (Task Force) with memberships of local and international renowned experts, has been set up to advise the Government on its proposal to achieving the intended policy objective. The first meeting of the Task Force has already been conducted on 12 June of this year via video-conferencing, attended by more than 10 Members from Asia, Africa, Europe and America.

9. At this juncture, our short term targets includes, (1) strengthening the community's understanding and practice of the rule of law through promotion, education and capacity building; (2) conducting research and collating relevant data relevant to rule of law; (3) fostering collaboration with local and international stakeholders and to co-organise events to promote and advance the rule of law; and (4) keeping abreast of international and regional development in the rule of law.

(1) Strengthening the community's understanding and practice of the rule of law through promotion, education and capacity building

10. Hong Kong SAR takes pride in having a strong rule of law and an independent judiciary, under the principle of “One Country, Two Systems”. At the same time, rule of law commands a high respect in the society of Hong Kong SAR, while her legal system and the degree of rule of law are highly regarded internationally and recognised by international indices. Yet, from the great concept to its implementation, the “One Country, Two Systems” principle did face several challenges. However, as stated by President Xi Jinping, *‘The vitality and strength of “one country, two systems” will fully show as long as there is a firm belief in the principle and earnest practice of it.’*⁴ Amongst other comments, one commentator opined that the current society of Hong Kong SAR lacks education on the rule of law and urged the need to strengthen education on the rule of law, and suggested that all stakeholders should reflect on the situation and engage in meaningful dialogues.

⁴ 习近平在庆祝澳门回归祖国 20 周年大会上的讲话要点（双语），China Daily <https://language.chinadaily.com.cn/a/201912/20/WS5dfc5f88a310cf3e3557f889.html>

11. In this connection, under Vision 2030, there are plans to roll out public education projects for various levels through more localised projects and targeted promotion for various sectors, including (1) general public; (2) schools; (3) districts and local community; and (4) professional and the legal community.

(2) conducting research and collating relevant data relevant to rule of law

12. The elements of the rule of law are plentiful and whilst they are generally recognised internationally, the assessment of it can be a subject of scholarly debate, whether subjective perception or objective data or perhaps a mixture of both. It is necessary to identify indicators and then the factors that best reflect how they are to be assessed. Often, the indicators chosen and the variety in the sources of the data (e.g. perception-based general public surveys, selective expert polls and legislative reviews) differ across various international ranking reports on rule of law. Currently, objective data relating to the rule of law in Hong Kong SAR is largely scattered and fragmented. The data relating to the rule of law in the Hong Kong SAR is largely scattered in various departments in the form

of statistics, figures and other form of information. For instance, the judiciary maintains statistics on its caseload and case disposal, as well as court related mediation statistics (including civil matters, family proceedings and building management cases). Collating the relevant data and setting up a dedicated database would assist in assessing rule of law and facilitating research and capacity building for the future in this region and beyond.

13. In the long run, based on the data collected, in-depth and focused analysis of the use of these data to formulate an objective methodology for assessing the practice of rule of law is expected to be conducted. The collection of such data and the use of such methodology may then be shared with other jurisdictions (especially those located alongside the Belt and Road) with a view to jointly promoting the rule of law. In so doing, this will facilitate Hong Kong SAR's comprehensive participation and support in the Belt and Road Initiative.

(3) fostering collaboration with local and international stakeholders

14. The implementation of the Belt and Road Initiative and achievement of the SDGs are closely linked to multilateralism, collaboration and the development and understanding of the rule of law, whilst taking into account the culture and characteristics of the states. In the context of multilateralism in economic development, one specific element of rule of law, anti-corruption, is pivotal. The DoJ is collaborating with our Independent Commission Against Corruption to share experiences and exchange views on the practice of anti-corruption measures and the rule of law with other jurisdictions. We aim to organise workshops and forums to provide a platform for discussion and sharing so that good practices may be developed that takes into account the specific cultures of each jurisdiction whilst keeping the fundamentals, the common denominators, in the elements of the rule of law.

(4) keeping abreast of international and regional development in the rule of law

15. DoJ will be organising a number of events during the Hong Kong Legal Week in November 2020 (Legal Week), including the inaugural Rule of Law Congress (Congress), which will feature the official launch of the Vision 2030. The Congress is expected to attract international and local participants, including government officials, professionals, experts and other stakeholders, to share their experiences in advancing the rule of law and encourage academic exchanges for capacity building on the different aspects of rule of law for the region and beyond.

16. Furthermore, DoJ will jointly organise with the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), the 4th North East Asia Multi-stakeholders Forum on Sustainable Development (SDG Forum) during the Legal Week. This is the first time the SDG Forum is hosted by Hong Kong, China as an associate member of ESCAP. It is expected that the Forum will discuss Goal 16 of the Agenda and general issues on rule of law.

Way Forward

17. As a ten-year initiative, the various short term targets of Vision 2030 are expected to be further developed and evolved on the advice of the Task Force and through exchanges with the community and stakeholders. By identifying the underlying issues, building up our expertise, enhancing capacity building, and strengthening collaboration with local and international stakeholders, we are hopeful that the general public of the Hong Kong SAR will have a proper understanding of the rule of law and its implementation. Through in-depth researches and analysis on rule of law under Vision 2030, it is believed that Hong Kong SAR can be better equipped to share her relevant experiences in upholding the rule of law with other jurisdictions, especially those alongside the Belt and Road. It is expected that Hong Kong SAR can work together with these jurisdictions to further develop the rule of law and its practice, and for Hong Kong SAR to better demonstrate her unique role in the Belt and Road Initiative.

18. Indeed, as President Xi Jinping remarked, “*the comprehensive*

*implementation and promotion of governing the nation in accordance with the law resembles systems engineering, which is also a widespread and profound revolution in governance.”*⁵ Our nation is now pushing ahead with law based administration on all fronts, with efforts made to ensure that the principle of rule of law is enshrined in every aspects of governance, government and society, and to achieve proper enactment of legislation, enforcement of the law, fair administration of justice and law abiding citizens etc. As a special administrative region of China under the principle of “One Country, Two Systems”, Hong Kong SAR has maintained her judicial independence and a mature and stable legal system. Through the implementation of various tasks under Vision 2030, it is strongly believed that Hong Kong SAR can better assist our nation in her further refinement in the administration of the rule of law and the legal system.

⁵ See original text in Chinese: “深入推进全面依法治国”，新華網
http://www.xinhuanet.com/politics/2019-10/24/c_1125145272.htm

19. To conclude, as an international city with a strong rule of law tradition, solid infrastructure and a pool of talents, it is hoped that through Vision 2030, Hong Kong SAR can contribute to the nation's implementation of the SDGs, especially Goal 16 --- *“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”*.

Department of Justice

June 2020

Word count: 2,370