

Law Drafting Competition 2023

Rules

1. About the Competition

Statute law is one of the important sources of our laws. The rule of law requires that laws are accessible and clear. Good legislation should be drafted in plain language to accurately reflect the legislative objectives.

Bilingualism is a notable feature and advantage of the Hong Kong legal system. Hong Kong is the only jurisdiction in the world that has a legal system operating in both Chinese and English languages, and is the only common law jurisdiction in China.

The Law Drafting Competition 2023 is organized by the Department of Justice of the Hong Kong SAR Government (**DoJ**) to encourage university students to devise a legislative proposal, learn basic skills of bilingual legislative drafting and get a taste of tackling the challenging but highly rewarding task of creating a Bill on their own.

2. Eligibility

(1) The competition is open to any team consisting of:

- (a) 2 law students¹;
- (b) 1 law student and 1 local non-law student²; or

¹ **law student** means:

- (a) a student of any undergraduate or postgraduate (taught or research) programme for the study of law provided by a university in Hong Kong, including LLB, Bachelor of Commerce (with Honours in Law and Business), PCLL, JD, LLM, Master of Common Law and double degrees involving the study of law (e.g., Law and Business, Law and Literature, Law and Politics, etc.); or
- (b) a student, who is a permanent resident of Hong Kong, of any undergraduate or postgraduate (taught or research) programme for the study of law provided by any university outside Hong Kong.

² **local non-law student** means a student of any undergraduate or postgraduate (taught or research) programme, other than for the study of law, provided by a university in Hong Kong

- (c) 1 law student.
- (2) A student may join only one participating team.
- (3) All entries will be assessed on an equal and anonymous basis regardless of the composition of the teams.
- (4) DoJ may, if considered necessary, request a participating team to provide identity documents and other documentary proof for verifying the eligibility of the team.

3. Format of the Competition

- (1) Stage 1: Submission of entry form and Legislative Proposal Outline
 - (a) Each participating team must prepare a Legislative Proposal Outline setting out their legislative proposal in one of the two topics. The legislative proposal may cover one or more issues within the selected topic but need not exhaustively cover all issues within the topic. Please see the required format of the Legislative Proposal Outline below.
 - (b) Each participating team must submit (i) a completed entry form and (ii) the Legislative Proposal Outline (including a cover page) by **11:59 pm on 31 January 2023** via e-mail to lawdraftingcompetition@doj.gov.hk. They may be submitted separately or together.
 - (c) To facilitate the arrangement of the workshop, a team is highly encouraged to submit the completed entry form first as soon as it is ready. The Legislative Proposal Outline may then be submitted separately at any time before the deadline. The first 10 teams submitting the entry form will be given a set of souvenirs, including bilingual published copies of DoJ's legislative drafting guidebook entitled *Drafting Legislation in Hong Kong – A Guide to Styles and Practices*.
- (2) Stage 2: Law Drafting Workshop
 - (a) A half-day workshop will be conducted in early February 2023 to give the participating teams a brief overview of the principles and skills of bilingual law drafting.
 - (b) The workshop is highly recommended for the participating teams as it would be very useful for their preparation of the Proposed Bills.

- (c) Details of the workshop will be provided to a participating team after its entry form is submitted.
- (3) Stage 3: Submission of Proposed Bill
- (a) Each participating team must prepare a Proposed Bill, in both English and Chinese (in traditional characters), for implementing the proposal set out in the Legislative Proposal Outline. Details of the proposal may be refined and supplemented in the Proposed Bill.
 - (b) Each participating team must submit the Proposed Bill by **11:59 pm on 31 March 2023** via e-mail to lawdraftingcompetition@doj.gov.hk. The participating teams will be informed of the required format of the Bill after the end of Stage 1.

4. Topics

- (1) The Legislative Proposal Outline and Proposed Bill must be prepared in respect of one of the following two topics:
 - (a) Topic 1: Private Information on the Internet;
 - (b) Topic 2: Homicide Offences.
- (2) For a brief description of the two topics, please refer to the Pamphlet on the website of the Competition.

5. Format of papers

- (1) The Legislative Proposal Outline must:
 - (a) be in A4 size;
 - (b) be in English **or** Chinese (traditional characters);
 - (c) be in Microsoft Word (.doc or .docx) format;
 - (d) not exceed the following limit (including appendices, footnotes, references, tables, etc.):
 - (i) English: 2,000 words; or
 - (ii) Chinese: 3,500 characters (including punctuations);

- (e) be in "Times New Roman" font (for English) or "細明體" font (for Chinese);
 - (f) be in a font size of not less than 14 for text and not less than 10 for footnotes; and
 - (g) contain the following:
 - (i) the background briefly setting out the problems that the legislative proposal seeks to address;
 - (ii) principal objectives of and justifications for the proposal;
 - (iii) contents of the legislative proposal which will form the basis of the Proposed Bill.
- (2) Details of the required format of the Proposed Bill will be provided to all participating teams after 31 January 2023.

6. General rule for submission of papers

- (1) All submissions must be via e-mail to lawdraftingcompetition@doj.gov.hk.
- (2) Late receipt of an entry form, Legislative Proposal Outline or Proposed Bill solely due to technical malfunction or other technical issues of the e-mail system of DoJ may be accepted at the absolute discretion of DoJ. Late submissions due to any other reasons will be not be accepted.
- (3) A team may submit only one Legislative Proposal Outline and one Proposed Bill for the competition. For duplicated submissions, only the first one submitted will be considered.

7. Assessment criteria

- (1) The Legislative Proposal Outline and the Proposed Bill will account for 30% and 70% of the overall assessment for a participating team respectively.
- (2) The Legislative Proposal Outline will be assessed according to the follow criteria (not in any particular order):
 - (a) quality of analysis and reasoning;

- (b) the extent to which it is suitable and practicable to implement the proposal in Hong Kong; and
 - (c) the command of the language, style, succinctness and clarity in presentation.
- (3) The Bill will be assessed according to the follow criteria (not in any particular order):
- (a) the extent to which it can effectively and suitably implement in Hong Kong the proposal in the Legislative Proposal Outline;
 - (b) the structure of the Proposed Bill, including whether it is structured logically and in a way most helpful to the readers;
 - (c) the command of the language, including whether the Proposed Bill is drafted in plain language with clarity and precision and whether the English and Chinese texts are consistent; and
 - (d) conformity to the general form and drafting styles of Hong Kong legislation.

8. Adjudicating panel

The submitted papers will be considered by an adjudicating panel comprising members of DoJ and any other persons on DoJ's invitation. In addition, DoJ has absolute discretion to set up a committee to preliminarily screen submitted papers if circumstances so require. The decisions and adjudication of the adjudicating panel in respect of any matter arising in the course of this competition are final. Award of prizes is at the sole discretion of the adjudicating panel. If the adjudicating panel finds it necessary, it may consult DoJ.

9. Prizes

- (1) The following prizes will be awarded to the teams adjudged to be the winner, first runner-up and second runner-up:
- (a) Winner: \$5,000 in cash or cash coupon;
 - (b) First runner-up: \$3,000 in cash or cash coupon;

- (c) Second runner-up: \$2,000 in cash or cash coupon.
- (2) In addition, one-month paid internship at DoJ will be offered to each member of the teams adjudged to be the winner, first runner-up and second runner-up who is a law student and permanent resident of Hong Kong.
- (3) The format of the prizes and conditions for offering the internships (including the time and remuneration of the internships) are at DoJ's sole discretion.

10. Originality

- (1) Participating teams must only submit papers that are their original works. Relevant sources (e.g. legislation in other jurisdictions) must be properly acknowledged in the papers. The papers must not contain any elements that violate any third party's copyright or other intellectual property rights.
- (2) If plagiarism or breach of a third party's copyright or other intellectual property rights is found in a paper submitted by a team to which a prize has been awarded, DoJ may take all appropriate steps, including forfeiting the prize awarded and arranging for the prize to be awarded to another team.

11. Permission to use submitted papers

By submitting a paper by a participating team, the team agrees to and does vest the copyright and other intellectual property rights of the paper in DoJ. The team may use the paper (or any part of it) for publication or any other purposes only if prior written permission of DoJ is obtained. DoJ may use or publish the submitted paper for purposes that it considers appropriate with suitable acknowledgment of the authors.

12. Personal data

- (1) Personal data collected in an entry form will be used only for the following purposes:
 - (a) registration of the submission of a paper and verification of the eligibility of a participating team;
 - (b) correspondence with the team;

- (c) announcement of the results of the Competition and award of the prizes relating to the Competition; and
 - (d) other purposes related to the Competition.
- (2) A participating team has the right to request access to and the correction of personal data stated in the entry form in accordance with sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Chapter 486). Any such request should be addressed to the Law Drafting Division, Department of Justice, 3/F, Main Wing, Justice Place, 18 Lower Albert Road, Central, Hong Kong.

13. Interpretation of Rules etc.

By submitting its entry form, a participating team is regarded to have agreed to be bound by these Rules and any decision of the adjudicating panel or DoJ. DoJ reserves its right to interpret these Rules and its interpretation is final. These Rules may be amended by DoJ without prior notice.

14. Disclaimer

Nothing in respect of the competition is to be treated as reflecting the stance or opinion of the Hong Kong SAR Government on any policies. The assessment by the adjudicating panel and award of a prize do not signify the Hong Kong SAR Government's endorsement of the contents of any paper submitted in the competition.

15. Enquiry

For any enquiry relating to the competition, please feel free to contact the Law Drafting Division of DoJ at lawdraftingcompetition@doj.gov.hk.