

For discussion on
22 February 2021

**Legislative Council Panel on
Administration of Justice and Legal Services
Advancing the rule of law:
Empowering youths and enriching young legal practitioners**

Introduction

This paper sets out the range of work and programmes initiated by the Department of Justice (“DoJ”) to empower youths in advancing the rule of law and enriching young legal and dispute resolution practitioners for professional development.

Empower youths in advancing the rule of law

2. “Vision 2030 for Rule of Law” (“Vision 2030”) is a 10-year visionary project introduced in 2019 and officially launched in November 2020. It aims to build and maintain a fair and rule-based society underpinned by the rule of law through collaboration with stakeholders towards sustainable development for all. One of its main objectives is to enhance the understanding and practice of the rule of law amongst the youth through promotion, education and capacity building, and to promote proper understanding of the legal education. Various public education and promotional activities have been rolled out comprehensively in the year 2020/21, including “Engagement” project targeting the general public, “Empowerment” project targeting youths and “Enrichment” project targeting professionals:

(A) School Education

i. Rule of law through drama

3. Through lively, interesting performances and live interactions with primary school students, DoJ hopes to promote their understanding and the practice of the rule of law, through enhancing law-abiding awareness, learning the proper concept of the rule of law and cultivating law-abiding spirit. This year, DoJ will be working with the Hong Kong Drama Education Studio for the first time, to launch the “Rule of Law through Drama” project. Two sets of legal education related drama performances will be arranged for touring performance in all primary schools in Hong Kong. The two sets of drama for

junior and senior primary school students are “Xie Zhi: The Legend of Justice” and “The Adventure of Mr. Auden” respectively.

4. All primary school principals and teachers in Hong Kong and representatives of school sponsoring bodies were invited to participate in the online premiere performance which was successfully held on 10 February 2021 and attracted about 400 viewers. The Secretary for Education has expressed support of Vision 2030, in particular, on the rule of law education, and encouraged schools to support the touring drama. The Hong Kong Drama Education Studio will be holding about 80 performances for all primary schools in Hong Kong from February 2021 to January 2022, free of charge for the participating schools. Both sets of drama will be performed in Cantonese, with the duration of each performance around 40 minutes for about 200 participants. If on-site performance is not possible due to special circumstances, the drama can also be performed online in an interactive manner.

ii. “Meet the Community” programme

5. DoJ introduced “Meet the Community” programme, under which DoJ’s counsel pay visits to different schools and other community institutions to give talks on diverse topics to enhance the understanding of the general public on Hong Kong’s legal system and the importance of the rule of law. As at 31 January 2021, over 180 talks had been conducted under the programme. To further enhance the proper understanding and awareness of the general public (especially youth) on rule of law, DoJ is reviewing the existing programme with an enhanced programme expected to be launched later this year, for more effective promotion of the rule of law targeting at various audience.

iii. Pilot Scheme on Rule of Law Education for Secondary School Students

6. DoJ supports the launch of the “Pilot Scheme on Rule of Law Education for Secondary School Students” for the 2020/21 school year by the Hong Kong Policy Research Institute (“HKPRI”). Through legal seminars and interactive group discussions, the pilot scheme aims to promote the understanding and proper recognition of the core concepts of the rule of law. The HKPRI has invited professionals from the legal and education sector as facilitators for the scheme, partnering with 20 secondary schools to conduct the rule of law education activities for all Form 1 and Form 4 students. The HKPRI has completed trainings to the mentors and teachers from participating secondary schools, and will start making arrangement with the partnering schools by the end of February to implement rule of law education activities.

iv. e-Resources for Rule of Law and the Basic Law

7. DoJ supports the “e-Resources for Rule of Law and Basic Law” (basiclawresources.info) produced by the Basic Law Foundation launched in November last year. The e-Resources website provides a series of teaching materials covering topics on Constitutional law, the Basic Law and rule of law for secondary students for flexible deployment by teachers in their teachings.

8. The e-Resources website currently contains a number of teaching materials for secondary schools (including PowerPoint slides and worksheets), and additional teaching materials on various topics will be made available on the platform in due course. In addition, monthly online training seminar will be held via the e-Resources website, with senior experts from the legal, academic and education sectors invited to discuss relevant topics on the rule of law, Constitutional law and the Basic Law, to provide assistance to teachers in enhancing their understanding of the rule of law education. The first online training seminar was successfully held on 5 February 2021.

v. Training course for Teachers

9. DoJ supports the training course entitled “Respecting the Law, Reinforcing the Rule of Law” organised by the Endeavour Education Centre and the Education Bureau for teachers. Senior members of the legal profession are invited as speakers. Through small group discussions, teachers are able to strengthen their understanding on topics such as Constitutional law, the Basic Law, national security, Hong Kong’s legal system and the rule of law. DoJ’s counsel also participated and shared their views on certain topics during the discussions. The course was first held in November 2020 and will re-run in March 2021.

(B) Public Education

10. Apart from reaching out to primary and secondary school students through school activities, DoJ also hopes to raise youth’s awareness on the importance of a law-abiding society by engaging the general public and local community. In early 2020, DoJ launched a series of animated short videos, namely “Studio DoJ”, to introduce legal concept and rule of law to the general public in a relaxed form through lively short videos and interesting comical characters. Furthermore, we are also considering possible collaboration with ICAC to reach out to youths through local community events.

11. DoJ, the Education Bureau, Rotary International District 3450 and Asia Conflict Resolution Institute Limited co-organised an essay competition themed “Mediation: Listening, Dialogue and Conflict Resolution”. The competition, held

between late January and 31 July 2020, aimed to raise the awareness on the use of mediation as an amicable means to resolve conflicts in school, family, business or for other general conflicts. It also aimed to promote the use of mediation skills as an everyday life skills. Through the competition, we hoped to encourage students to develop a positive and constructive mindset in resolving dispute; the importance of resolving conflicts amicably; and maintaining harmonious relationships with others. The award ceremony and the School Mediation Seminar were held on 21 November 2020.

Enriching young legal and dispute resolution practitioners for professional development

12. In addition to the youth projects above-mentioned, DoJ has also been providing various trainings for young legal and dispute resolution practitioners in areas such as legal services, dispute avoidance and resolution services, and international law, through organizing various programmes, exchange activities and professional publications etc., to enhance and enrich their professional knowledge and development.

(A) Vocational Trainings

i. GBA Youth Employment Scheme and GBA Legal Professional Examination

13. Since the promulgation of the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (“GBA”) by the Central Government in February 2019, various ministries of the Central Government have issued a number of policy documents in support of the development in financial, legal and professional services in the GBA, as well as rolled out measures to facilitate Hong Kong and Macao residents to work, live and study in the Mainland cities of the GBA. During the Chief Executive’s meeting with leaders of the Guangdong Province and Shenzhen municipality in November 2020, agreement was reached to press ahead with a number of projects, including nurturing of talents and youth exchanges. The Policy Address 2020 introduced the “GBA Youth Employment Scheme” to encourage enterprises with operation in both Hong Kong and the GBA to recruit and deploy about 2,000 local university graduates to work in the Mainland cities of the GBA. The government will grant a monthly allowance of \$10,000 to enterprises for each graduate employed for up to 18 months. The scheme was launched on 8 January this year, and hoped to encourage and support young people (including young legal practitioners) to gauge the opportunities to work and pursue their career in the Mainland cities of the GBA, thereby nurturing more diverse legal talents for Hong Kong.

14. To facilitate Hong Kong legal practitioners in seizing opportunities from the rapid development in the Mainland, DoJ has been actively reflecting views and expectations of the sector to the relevant Mainland ministries, including striving to lower the threshold for Hong Kong legal practitioners to practise in the Mainland. The GBA Legal Professional Examination launched in October 2020 met the expectation of the legal sector. Hong Kong legal practitioners, including young solicitors and barristers with accumulated practice experience of five years or above, are eligible to apply to take the examination. Upon obtaining a lawyer's practice certificate (GBA), one can provide legal services in nine Mainland municipalities in the GBA on specified civil and commercial matters (including litigation and non-litigation matters) to which the Mainland laws apply, providing young legal practitioners vast opportunities to develop their career in the GBA. Through practising in the nine Mainland municipalities in the GBA, young legal practitioners will be able to lay a solid foundation for their career through expanding their network and understanding the needs of Mainland enterprises. To equip and prepare those legal practitioners who have passed the examination to practise in the nine Mainland municipalities in the GBA, DoJ plans to cooperate with relevant Mainland organs (including the Supreme People's Court) to provide practical training courses on Mainland laws.

ii. Enhanced Understudy Programme

15. In June 2020, the Civil Division and the Prosecutions Division launched an enhanced Understudy Programme, providing training opportunities for barristers and solicitors with less than five years' post call/admission experience. The enhanced programme aims to provide opportunities for less-experienced barristers and solicitors to handle civil and prosecution work of the government; broaden their horizon; enrich them with valuable experience; and improve their case management skills.

16. Training opportunities provided by the Civil Division include drafting of legal opinion; conducting research; observing lawyers in action in different levels of courts and various hearings; participating in hearing preparation works; and acting as assistant or junior counsel for senior counsel or more-experienced counsel. The work involves an extensive range of legal matters, including administrative law, commercial law and land-related law etc. As at 15 January 2021, 92 legal practitioners (including 88 barristers and 4 solicitors) have expressed interest to handle civil matters under the programme. Of the 32 tasks assigned, 16 tasks were related to drafting of legal opinion or conducting legal research; and the other 16 tasks were related to attending and assisting of hearings.

17. Junior barristers and junior solicitors participating in the Understudy Programme of the Prosecutions Division act as understudies to senior counsel or senior junior counsel in generally more complex cases heard in the District Court or the Court of First Instance, which involve longer trials or commercial crimes that need to be handled by more experienced fiat counsel, as well as lengthy magistracy cases. As at 15 January 2021, 98 legal practitioners (including 96 barristers and 2 solicitors) have expressed interest to handle prosecution work under the programme, and 14 tasks have been assigned.

iii. Pilot Professional Exchange Programme

18. In September 2019, DoJ launched the “Pilot Professional Exchange Programme” with an aim to broadening the experience and collaborations among government counsel and lawyers in the private sector, as well as to enhance the exchange of best practices. The first exchange lawyer has completed a six-month secondment with the DoJ, having been involved in the public education and promotional work relating to the Vision 2030 project; assisted in arbitration related meetings and conducted research on specific topics. We are currently making plans for government counsel to be seconded to law firms or barrister chambers, which is expected to take place in the near future.

(B) Enhancement of professional knowledge and skills

i. Matching Grant Scheme for Skills Upgrading

19. In line with the HKSAR government’s second round of the Anti-epidemic Fund measures for Matching Grant Scheme for Skills Upgrading, DoJ has invited local law-related organisations to apply for training grants to organise training programmes to enhance practitioners legal and dispute resolution skills and knowledge. Out of the 14 applications received, 12 training programmes have been approved, with subsidies at the ratio of no more than 3:1. All 12 training grant agreements have been signed with the relevant organizations and the training courses are expected to commence in 2021-2022.

ii. Exchange and training programmes organised with legal professional bodies

20. DoJ has always attached great importance to strengthening exchanges with young legal professionals and has worked closely with the legal professional bodies in this regard. DoJ has been actively participating in exchanges or sharing sessions organised by the Law Society of Hong Kong and also conducting exchanges with young lawyers or summer legal interns on social issues and professional affairs as well as

sessions for sharing experience with them. Furthermore, DoJ has also been a staunch supporter for various activities organised by different organisations seeking to promote professional exchanges among young legal practitioners, including large-scale professional forums as well as internships in and exchange programmes with the Mainland or other regions. These activities help to establish platforms for young legal professionals to exchange views on various professional issues, to broaden their horizons and to build up internship experience.

21. DoJ has also co-organised training programmes with the Hong Kong Bar Association and the Law Society of Hong Kong. Qualified legal practitioners (including barristers and solicitors) with less than five years' post call/admission experience who are interested in prosecution work of DoJ can apply for a one-day training course, which includes seminars and workshops. Participants with satisfactory performance can then participate in a two-week internship at the Magistrates' Courts, during which they will be assessed to determine whether they are suitable for inclusion in the list of outsourced lawyers of the Magistrates' Courts of the Prosecution Division. DoJ plans to hold two joint training programmes in 2021, and estimates about 90 participants.

iii. Exchange and training on Mainland law

22. On 7 September 2019, DoJ and the High People's Court of Guangdong Province signed a framework arrangement on exchange and mutual learning in legal aspects, under which the two sides agreed to encourage and facilitate courts in Guangdong and relevant legal bodies in Hong Kong to launch projects on legal aspects for mutual exchanges and collaboration, and to conduct relevant training. The first cooperative project was a series of legal seminars on "Adjudicating with Common Law Concepts", jointly organised by DoJ and the Shenzhen Intermediate People's Court. The cooperative projects between Guangdong and Hong Kong will continue under the framework arrangement to facilitate two-way exchanges between the legal communities. DoJ participated in the first GBA judicial case seminar organised by the High People's Court of Guangdong Province on 6 January 2020. Bringing together judges, lawyers, experts and academics from Guangdong, Hong Kong and Macao, the seminar featured mock trials based on the same sets of facts, conducted according to different modes of the three cities. The seminar facilitated the better understanding of the legal and justice systems of the three places for the legal professionals. DoJ will explore with the relevant authorities of the three places on the arrangement for holding the next seminar in 2021.

23. Further, to foster exchanges between the judicial and legal professionals in Hong Kong and the Mainland, DoJ organised and participated in various seminars relating to Mainland laws and the rule of law, including a symposium in Haikou City,

Hainan Province on the opening up and the rule of law of Hainan Free Trade Zone (Port) on 30 August 2019, co-organised by DoJ and the Justice Department of Hainan Province, the Hainan International Arbitration Court and Hainan Lawyers Association, in collaboration with HK45 and the International Youth Legal Exchange Federation, , where a group of young lawyers from Hong Kong were invited to share and exchange with over 300 Hainan legal professionals their views on diversified dispute resolution services to the development of a free trade port, as well as the China Forum on International Legal Cooperation organised by the China Law Society on 13 November 2020 and the Basic Law 30th Anniversary Legal Summit themed “Back to Basics” on 17 November 2020 via hybrid mode for the first time.

iv. Capacity building and training course relating to mediation, arbitration and dispute resolution

24. DoJ organises regular conferences and training courses in Hong Kong, Mainland and overseas to facilitate discussion on legal, mediation and arbitration issues, to promote professional exchanges in the legal and dispute resolution sectors. The events which DoJ is planning to organise, support or promote include Hong Kong Vis East International Arbitration Moot 2021, Hong Kong Arbitration Week, “Mediation First” Pledge 2021, Investment Law and Investor-State Mediator Training, Belt and Road Summit and Business of IP Asia Forum. DoJ will continue to collaborate with various local and international dispute resolution organisations to provide high-quality capacity building and exchange platforms for practitioners in the legal and dispute resolution sectors (including young practitioners) and to provide training for dispute resolution professionals in various fields.

25. It is also worth highlighting the Investment Law and Investor-State Mediator Training co-organised by DoJ, the International Centre for Settlement of Investment Disputes and Asian Academy of International Law (“AAIL”) – the first investor-State mediator training offered in Asia. The second training course was held in Hong Kong from 28 October to 3 November 2019, where world-renowned speakers shared their knowledge and experience on topics related to international investment law and mediation of investor-state disputes with participants (including young practitioners). DoJ will continue to co-organise such training course and the next training course is expected to be held in late 2021.

26. DoJ spares no effort in training young mediators in Hong Kong. The government has appointed the Joint Mediation Hotline Office as an independent coordinator to launch the “Small Claims Mediation Pilot Scheme” and the “Mediator Mentorship Scheme” at the West Kowloon Mediation Centre. The “Mediator Mentorship

Program” offers opportunities for newly qualified mediators to observe and learn from experienced mediators in handling mediation of small claim cases, laying a foundation for them to chair mediation meetings in the future. In addition, young mediators with some mediation experiences are allowed to conduct mediation meetings for small claim cases under the supervision of mediation consultants, earning valuable practical experience.

(C) Capacity building and training on international law

27. DoJ regularly organises international conferences and legal events with world-renowned international legal organisations to further enhance Hong Kong’s status as an international law capacity building centre. Some examples include the “Public-Private Partnership: Harnessing Opportunities and Overcoming Challenges” co-organised with the United Nations Commission on International Trade Law (“UNCITRAL”) and AAIL in January 2019; the inaugural global conference on the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters co-organised with the Hague Conference on Private International Law (“HCCH”) in September 2019; the “CISG as a Tool for Global Trade - Theory and Practice” in celebration of the 40th Anniversary of the CISG co-organised with UNCITRAL and AAIL on 27 October 2020; webinar entitled “Hong Kong Businesses and the CISG: The ‘Must Knows’ from International Court Practice” co-organised with AAIL on 30 October 2020; and the Hong Kong Legal Week held during the first week of November every year.

28. As for training programmes, DoJ has reached an agreement with the Hague Academy of International Law, one of the world’s leading academic institutes on international law, in organising its regular capacity building courses in Hong Kong in collaboration with AAIL. Such cooperation would provide Hong Kong and the neighbouring regions with high-quality training for legal professionals. Owing to public health reasons, the organisers first held an online seminar on 7 December 2020, and will organise the “Hague Academy of International Law Advanced Course in Hong Kong First Edition: Current Trends on International Commercial Dispute Settlement” from 8 to 12 November 2021.

29. DoJ signed a memorandum of understanding with HCCH on 22 December 2020 for the technical and administrative arrangements relating to the secondment of Hong Kong legal professionals in both the public and private sectors. An online information session on the secondment programme was held on 8 February 2021 and the selection interview process will begin in March 2021.

30. Meanwhile, DoJ is in discussion with UNCITRAL and the International Institute for the Unification of Private Law on the secondment arrangements for local young legal professionals (including lawyers from both public and private sectors). These arrangements allow local legal professionals to expand their knowledge of the operation of international organisations, to learn from international legal experts as well as to broaden their horizons, and enable Hong Kong to participate in the development of international law.

31. Furthermore, in order to encourage participation in the Judicial Fellowship Programme organised by the International Court of Justice by young legal talents involved in research on international law, from 2021 onwards, DoJ will support AAIL's nomination of suitable persons to participate in the programme. Under the programme, researchers will undertake 10-month work on research and learning under the supervision of a judge of the International Court of Justice.

(D) Young Professional Overseas Enrichment Programme (“YPOEP”)

32. Nurturing of local lawyers and dispute resolution practitioners is an important part of DoJ's policies. In this regard, DoJ will introduce YPOEP, to sponsor young professionals and dispute resolution practitioners to participate in overseas international conferences related to law, mediation or arbitration, encouraging and supporting them to exchange and share experiences with professionals from other jurisdictions. It aims to enhance and consolidate their legal knowledge as well as to build networks with global legal professionals and broaden their horizons. It is hoped that sponsored participants could contribute their knowledge or skills they have acquired to the society, thereby fostering exchanges in the local community.

33. DoJ will sponsor suitable young professionals to participate in overseas international conferences related to law, mediation or arbitration. Sponsored participants are required to report to DoJ and submit relevant reports and documents upon return to Hong Kong. YPOEP will be implemented as a pilot scheme in the first year. Owing to public health reasons, this programme will be promoted in due course after its launch.

(E) Professional Publications/Research Papers

34. The International Law Division has invited junior lawyers to participate in studies on specific international law issues for international conferences and seminars, thereby enhancing their experience and broadening their international horizons. In particular, several young lawyers were invited to write discussion papers commented by world-renowned experienced legal experts for the Investor-State Dispute Settlement

(“ISDS”) International Conference under the theme of “Mapping the Way Forward” co-organised by DoJ and AAIL in Hong Kong on 13 February 2019. The discussion papers have been included in the publication of the proceedings of the conference for distribution at the meeting of the UNCITRAL Working Group III (“WG III”) so as to contribute to the discussion on the reform of ISDS. Several young barristers, solicitors and academics were also invited to write background papers for the UNCTIRAL WG III Virtual Pre-Intersessional Meeting held on 9 November 2020 commented by world-renowned experienced legal experts. Further, the International Law Division has also invited some junior barristers to participate in the legal study on the proposed application of the UN Convention on Contracts for the International Sales of Goods to Hong Kong, and to assist in preparation of the relevant public consultant paper.

35. On 27 November 2020, DoJ and the Supreme People’s Court signed the “Supplemental Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the HKSAR” (“the Supplemental Arrangement”), which further refines the existing arrangement and ensures the rights of the arbitration parties are fully protected. After the signing of the Supplemental Arrangement, a Compendium of Notable Cases was published. On the part of the HKSAR, DoJ selected five notable cases of Hong Kong judgments relating to enforcement of Mainland arbitral awards under the existing arrangement in the past two decades, and in each case summary, the section headed “Significance” will let readers understand more clearly the legal principles involved in the relevant grounds for refusal of enforcement of arbitral awards. Taking into account the needs of the arbitration users in the Mainland and the international community, each case summary has both Chinese and English versions. It is hoped that the case summaries could enhance the understanding of the users in the Mainland and the international community towards enforcement of Mainland arbitral awards in Hong Kong.

36. DoJ organised the Basic Law 30th Anniversary Legal Summit themed “Back to Basics” in November 2020. It aims to actuate the public’s proper understanding of the importance of the Constitution as the foundation of the Basic Law. DoJ anticipates that the proceedings of the Legal Summit will be published in the 2nd quarter this year, for wider dissemination to the public the experience and insights of the Basic Law as shared by the speakers.

37. DoJ is intensively collating the drafting materials of the Basic Law, including important discussions during the drafting period, Mr. Deng Xiaoping’s speech on “One Country, Two Systems”, and the Courts of HKSAR’s important judgments and related interpretations of the Standing Committee of the National People’s Congress on various provisions of the Basic Law since its implementation. They will be published in

year 2022 with the 25th Anniversary of the establishment of the HKSAR in view. This book will faithfully and objectively reveal the real landscape of the Basic Law, including the Constitution as the root of the Basic Law, and the fact that the Constitution and the Basic Law jointly constitute the constitutional foundation of the HKSAR. At the same time, it will promote better understanding of how the Courts of the HKSAR implement the Basic Law under the common law system to protect the rights of citizens and interest of the country. We hope that this book will not only be a timely review, but it will contribute to the long-term and sustainable development of the Basic Law and enable us to go from strength to strength.

38. In addition to the publications mentioned above, from time to time, DoJ also issues various professional publications such as the 3rd Edition of the “Judge Over Your Shoulder” in May 2019; “Commercial Law Review” by Commercial Unit around half-yearly; and the proceedings of the Inaugural Rule of Law Congress to be published later this year. Most publications are available for free download at DoJ’s website.¹ These publications provide additional ways for young practitioners to enhance their legal knowledge.

Conclusion

39. Youths and young legal and dispute resolution practitioners are crucial to the future of Hong Kong. DoJ spares no effort in their training and development, being one of the core projects of the 10-year Vision 2030 initiative. Through various activities and programs targeting youths, DoJ hopes that it will enhance their understanding on Constitutional law, the Basic Law and rule of law, leading them to trace their roots, thereby fostering the next generation to contribute to upholding and maintaining Hong Kong as a society underpinned by the rule of law. Furthermore, top-notch and young legal and dispute resolution practitioners in Hong Kong are also given the opportunities, through activities arranged by DoJ and local professional bodies, to participate in specific exchanges with the Mainland and the international community, to broaden their horizons, to enhance their experience and to enrich their professional development. In turn, to make good use of their professional abilities and experience to contribute the sustainable development in the region and beyond.

40. DoJ will continue to implement and explore opportunities to empower youths and enrich young legal and dispute resolution practitioners, with a view to providing a solid foundation to further strengthen Hong Kong’s status as a leading international legal and dispute resolution service center in the Asia-Pacific region, and to

¹ <https://www.doj.gov.hk/en/publications/publications.html>

maintain the prosperity, stability and sustainable development of Hong Kong as society underpinned by the rule of law.

Department of Justice
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