

**For discussion on
27 September 2021**

**Legislative Council Panel on
Administration of Justice and Legal Services**

**Professional Development for Legal Profession –
International Organisation Secondment Programmes**

Purpose

This paper briefs the Members on the latest developments of the various secondment programmes to international organisations which the Department of Justice (“DoJ”) recently put in place for the legal profession, as part of DoJ’s policy initiative to nurture local legal talents.

Policy Objectives

2. The National 14th Five-Year Plan and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area expressly support Hong Kong to enhance its status as a centre for international legal and dispute resolution services in the Asia-Pacific region. Hong Kong has a solid legal infrastructure consisting of a well-tested common law system, and an open, transparent and independent judiciary. A robust system also needs to be backed by a sufficient pool of experts and professional organisations. In view of this, the Chief Executive announced in the 2020 Policy Address that in order to consolidate Hong Kong’s status as an international legal hub and a centre for dispute resolution services, we need to nurture more legal talents that are experienced, familiar with the practice in Mainland, and possess international perspective.

3. Through participating in the work of international organisations, local legal professionals can enhance their knowledge of international legal matters and develop global

vision. Nurturing Hong Kong's legal talents is crucial for the sustainable development of the legal community, for consolidating Hong Kong's position as a leading international legal and dispute resolution services centre and for the long-term development of the rule of law.

4. Furthermore, the secondment programmes tie in closely with the DoJ's "Vision 2030 for Rule of Law", a 10-year initiative, and in nurturing local talents in the rule of law. The "Vision 2030" initiative strengthens the Hong Kong community's understanding and practice of the rule of law. It also attaches great importance to develop and actively nurture local talents in the practice of international law. The secondment programmes fall under the umbrella of the "3E" project of the "Vision 2030" initiative, i.e., "Enrichment" to complement the country in advancing domestic and foreign-related rule of law. International organisations play an important role in building the international rule of law. With personal involvement in formulating policies and devising rules though working in international organisations, local international law talents could strengthen Hong Kong's in foreign-related rule of law and enhance collaboration with international organisations.

5. Therefore, the DoJ has been maintaining close liaison with international organisations to arrange secondment for lawyers in both public and private sectors. These opportunities provide valuable working experiences for fostering our legal talents in diverse areas of international law.

Latest Developments

6. With the staunch support of the Central People's Government ("CPG") and the proactive efforts of the Government of the Hong Kong Special Administrative Region, the secondment programmes have achieved substantive progress recently. The number of positions available is historically high and unlike the programmes in the past, some positions are now open to non-government officers.

7. The DoJ has successfully put in place programmes to second local legal talents to three renowned international organisations on private international law, namely, the Hague Conference on Private International Law (“HCCH”), the United Nations Commission on International Trade Law (“UNCITRAL”) and the International Institute for the Unification of Private Law (“UNIDROIT”). These three renowned international organisations are the top international inter-governmental organisations in the field of private international law and are referred to as “the three sisters” of private international law. They have been coordinating and studying the improvement and modernisation of international law, consolidating members’ views and promoting international cooperation.

(a) Hague Conference on Private International Law

8. The HCCH, a global inter-governmental organisation, enjoys a very prestigious status in the field of private international law. It develops and services multilateral legal instruments in a wide range of areas from commercial law and banking law to international civil procedure, responding to the global needs.

9. With the CPG’s support, the DoJ signed a memorandum of understanding with the HCCH in December last year regarding a standing arrangement to second local legal professionals to the Permanent Bureau of the HCCH in The Hague, the Netherlands. While secondment programmes to international organisations are usually confined to government officials, the DoJ actively discussed with the HCCH and successfully extended the secondment programme to Hong Kong solicitors and barristers in private practice. This is Hong Kong’s very first secondment programme open to local legal professionals in the private sector.

10. After open recruitment and selection, it has been confirmed that one government counsel and one solicitor in private practice will be seconded to the Permanent Bureau of the HCCH, both for a period of six months. The first secondee

has reported duty to the Permanent Bureau of the HCCH on the 13th of this month, while the next secondee is expected to report duty in February next year.

(b) International Institute for the Unification of Private Law

11. UNIDROIT is an independent inter-governmental institute that works on modernising, harmonising and co-ordinating private and in particular commercial law between States and groups of States. It also formulates uniform law instruments, principles and rules for such purposes in areas like security interests, capital markets, commercial contracts, international sales, and civil procedure.

12. Building on the success of the HCCH secondment programme, the DoJ also signed a memorandum of understanding with UNIDROIT in May this year on the standing arrangement to second Hong Kong legal professionals to the Secretariat of UNIDROIT in Rome, Italy. This is Hong Kong's second secondment programme open to local legal professionals in the private sector.

13. After open recruitment and selection, it has been confirmed that one government counsel and one solicitor in private practice will be seconded to the Secretariat of UNIDROIT, for a period of 12 months and a period of six months respectively. They are expected to report duty in or about January next year.

(c) United Nations Commission on International Trade Law

14. UNCITRAL is the core legal body of the United Nations ("UN") system in the field of international trade law. It has specialised in commercial law reform worldwide for over 50 years, harmonising and modernising rules on international business.

15. Through in depth discussions between the DoJ and the CPG, the CPG supports young civil servants from the DoJ to work at the UNCITRAL Secretariat through the United Nations Junior Professional Officers (“JPO”) Programme. In May 2021, the CPG formally reserved a JPO post at the UNCITRAL Secretariat with the UN and a DoJ secondee may take up the post. The secondee is expected to commence the secondment next year.

16. This arrangement built on the long-standing loan of legal experts to the Regional Centre for Asia and the Pacific of the UNCITRAL since 2015 and will mark the very first JPO in the legal field to the UN from the Hong Kong Special Administrative Region (“HKSAR”). The synergy between these two secondment arrangements, and the DoJ Project Office for Collaboration with UNCITRAL established in the Hong Kong Legal Hub in November last year, will allow the HKSAR to more comprehensively participate in the work of the UNCITRAL and enhance its cooperation with the UNCITRAL on projects in which the HKSAR is involved as members of the Chinese delegation, such as UNCITRAL Working Group III (Investor-State Dispute Settlement Reform) and Working Group VI (Judicial Sale of Ships).

(d) Asian Infrastructure Investment Bank

17. Further, the DoJ signed an agreement with the Asian Infrastructure Investment Bank (“AIIB”) in June this year on the secondment of a government counsel to the legal department of AIIB in Beijing for a period of 12 months. The secondee has commenced the secondment on August 23.

18. AIIB is a multilateral development bank. Hong Kong is one of its first batch of members, with other members from around the world. The purpose of AIIB is to foster sustainable economic development, create wealth and improve infrastructure connectivity in Asia by investing in infrastructure and other productive sectors, and promote regional cooperation and partnership in addressing

development challenges by working in close collaboration with other multilateral and bilateral development institutions.

(e) **Launching Ceremony for the Secondment of Young Professionals from Hong Kong to International Law Organisations**

19. The CPG and the HKSAR Government attach great importance to the international organisation secondment programmes. The support of the CPG and the assistance of the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region (“OCMFA”) facilitated the establishment of secondment programmes between the HKSAR and many international organisations, demonstrating the unique advantage of “One country, Two systems”.

20. On 10 September 2021, the OCMFA held the Launching Ceremony for the Secondment of Young Professionals from Hong Kong to International Law Organisations to support the DoJ’s continuous efforts to put in place secondment programmes and encourage more local young legal talents to harness the precious opportunities. The Chief Executive, Mrs Carrie Lam, the Commissioner of the OCMFA, Mr Liu Guangyuan, the Deputy Director of the Liaison Office of the Central People’s Government in the HKSAR, Mr Chen Dong, the Secretary for Justice, Ms Teresa Cheng and the Former Vice-chairperson of the HKSAR Basic Law Committee of the Standing Committee of the National People’s Congress, Ms Elsie Leung, attended and addressed the ceremony. The Secretary General of the HCCH, Dr. Christophe Bernasconi, the Secretary of the UNCITRAL, Ms Anna Joubin-Bret, and the Secretary-General of UNIDROIT, Prof. Ignacio Tirado, addressed the ceremony virtually. The ceremony was attended by about 100 people, being representatives from the Office for Safeguarding National Security of the Central People’s Government in the HKSAR, HKSAR delegates to the National People’s Congress, HKSAR members of the Chinese People’s Political Consultative Conference, legislative councillors, representatives from the HKSAR Government,

law-related organisations, law schools and the legal profession and youth representatives from various sectors.

Way Forward

21. The DoJ will continue to explore with other renowned international organisations secondment opportunities through which Hong Kong's legal professionals in both the public and private sectors could receive training in diverse areas of international law and gain invaluable work experiences.

Department of Justice
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