

**For discussion on
9 February 2022**

**Legislative Council Panel on
Administration of Justice and Legal Services
2021 Policy Address – Policy Initiatives of the Department of Justice**

Further to the briefing on the policy initiatives of the Department of Justice (“DoJ”) in the Chief Executive’s 2021 Policy Address at the Panel’s meeting on 11 October 2021 (LC Paper No. CB(4)1621/20-21(01) at **Annex**), this paper briefly sets out the latest progress of those policy initiatives.

Latest Progress

(A) Vision 2030 for Rule of Law

(1) Rule of Law Database

2. With the guidance of the Task Force on Vision 2030 for Rule of Law (“Task Force”) comprising renowned local and international experts, DoJ officially launched the Vision 2030 website and Hong Kong’s Rule of Law Database (“RoL Database”) during the Hong Kong Legal Week in November 2021. The RoL Database aims to solidify the proper understanding of how the rule of law is practised and hence to improve on it as necessary through collecting and collating relevant objective data and research. DoJ will, with the guidance of the Task Force, continue to develop and refine the methodology based on objective data in order to provide a reliable and realistic reference.

(2) Rule of law education

3. In order to enhance students’ law-abiding awareness and cultivate their law-abiding spirit, DoJ has organised a number of activities for primary and secondary school students under the “Vision 2030 for Rule of Law” initiative, including:

Primary school

- Interactive live drama performances: dedicated to primary school students. To date, 112 drama performances have been held with an attendance of over 28 000 students;

- Law Quiz Competition Series: the Online Law Quiz Game (Part I of the Series) was successfully concluded in November 2021, with a total participation of nearly 2 000 students. For the Inter-School Law Quiz Competition (Part II of the Series), over 40 schools have enrolled and the matches are scheduled to take place in Q1 2022.

Secondary school

- “Rule of Law Enlightenment” Programme: has reached over 4 s000 secondary school students, and over 100 students have visited the “Hong Kong Legal Hub” by participating in the Rule of Law Journey. The “Key to the Future” Short iVideo Competition for secondary school students has received 70 video entries, with its award presentation ceremony scheduled for Q1 2022.

4. Furthermore, DoJ supports the Pilot Scheme on Rule of Law Education for Secondary School Students launched by the Hong Kong Policy Research Institute, which has organised 33 rule of law workshops for Form 1 and Form 4 students from 21 secondary schools, reaching out to over 4 000 students. Rule of law education in secondary schools is promoted through law talks, games and interactive small group discussions.

5. Regarding the training of teachers, DoJ supports the “e-Resources for Rule of Law and the Basic Law” produced by the Basic Law Foundation, which provides teaching support on related legal topics to teachers. Since its launch, the website has recorded over 3,000 page views with 12 online seminars conducted, attracting the participation of over 400 teachers. Besides, DoJ supports the training course entitled “Respecting the Law, Reinforcing the Rule of Law” jointly organised by the Endeavour Education Centre and the Education Bureau. The training course, which has trained nearly 500 teachers so far, aims to strengthen teachers’ basic legal knowledge, enhance their understanding of topics such as the Constitution and the Basic Law, thereby helping them to pass on the proper culture of lawfulness and the respect of the rule of law to students.

6. To provide professionals in the legal and dispute resolution sectors and young legal talents with diversified training and exchange opportunities, DoJ invited delegations from different jurisdictions who participated in the “International Youth Legal Exchange Conference 2021” to join virtually as speakers in the “Rule of Law Signature Engagement Event” during the Hong Kong Legal Week 2021 (also see paragraph 7 below) and engage in in-depth exchanges with members of the adjudicating panel and local and international legal experts.

(3) Hong Kong Legal Week

7. The Hong Kong Legal Week 2021 was successfully held from 1 to 5 November. Focal events included the United Nations Commission on International Trade Law (“UNCITRAL”) Asia Pacific Judicial Summit, International Criminal Law Conference, “Maritime Dispute Resolution in Hong Kong: Current and Future”, ASEAN Workshop on Online Dispute Resolution, the 4th Belt and Road Conference and the Rule of Law Signature Engagement Event entitled “SEE – A Journey of Transformation for a Sustainable Future”. The events attracted over 20 000 viewers. The Hong Kong Legal Week this year will be held from 7 to 11 November.

(B) Enhancing education on the Constitution, the Basic Law and national security

(1) Basic Law Conference (April 2022)

8. DoJ will organise a Basic Law Conference themed “Stability to Prosperity” on 4 April to celebrate the 25th anniversary of the establishment of the Hong Kong Special Administrative Region (“HKSAR”). In order to promote an accurate understanding of “one country, two systems” among the public, DoJ has invited eminent Basic Law experts and scholars as well as prominent community leaders as speakers to share with us their insight on the Basic Law and experience of the successful implementation of “one country, two systems” and to celebrate the remarkable success of the Basic Law and “one country, two systems” in Hong Kong in the last 25 years. DoJ also plans to launch the sourcebook, Basic Law: Selected Drafting Materials and Significant Cases, at the Conference.

(2) National Security Law Legal Forum (2022)

9. The National Security Law Legal Forum themed “Thrive with Security” will be organised by DoJ on 28 May 2022 to celebrate the second anniversary of the “*Decision on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security*” made by the National People’s Congress on 28 May 2020. The Legal Forum will be attended by senior officials and internationally renowned legal experts and academics to review the progress achieved by *the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region*, explore national security-related frontier issues, and look ahead to the further enhancement of the legal framework for safeguarding national security in the HKSAR. The Legal Forum will enhance awareness and understanding in the performance of HKSAR’s constitutional duty to safeguard national security.

(C) Establishing Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific region

(1) The National 14th Five-Year Plan, the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Greater Bay Area (“GBA”): Legal exchange and collaboration

(a) *Guangdong-Hong Kong-Macao GBA Legal Departments Joint Conference (“Joint Conference”) and the GBA Mediation Platform*

10. At the third Joint Conference held on 10 December 2021, the three parties from Guangdong, Hong Kong and Macao endorsed the GBA Mediator Accreditation Standards and GBA Mediator Code of Conduct Best Practice promulgated by the GBA Mediation Platform. Moreover, the three parties agreed that it is necessary to establish a list of GBA arbitrators to promote the development of arbitration in the GBA as well as to facilitate users of arbitration in the GBA to choose arbitrators from different institutions across the three regions in resolving their disputes. The three parties have agreed to set up the GBA Arbitration Working Group to take forward the proposal more effectively.

(b) *Arrangement on judicial assistance in civil and commercial matters with the Mainland - latest progress*

(i) Implementation of the Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the Hong Kong Special Administrative Region (“Matrimonial and Family Judgments Arrangement”)

11. The local legislation for the implementation of the Matrimonial and Family Judgments Arrangement signed in June 2017 was enacted in May 2021. In accordance with the new mechanism established by this Arrangement and the local legislation, the courts of Hong Kong and the Mainland may recognise and enforce judgments given in matrimonial or family cases by the courts of the other side. The Matrimonial and Family Judgments Arrangement and the relevant Ordinance and rules will come into operation on 15 February this year. DoJ and the Supreme People’s Court (“SPC”) will co-organise a seminar on the same day to familiarise the legal sector and the public of both places with the new mechanism.

(ii) Introduction of a bill for the implementation of the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters

12. The Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region (“REJ Arrangement”) signed on 18 January 2019 establishes a more comprehensive and clearer mechanism for reciprocal recognition and enforcement of civil and commercial judgments between both places. We understand that the REJ Arrangement will be implemented in the Mainland by way of judicial interpretation. In Hong Kong, the REJ Arrangement will be implemented by local legislation.

13. Between December 2021 and January 2022, DoJ conducted a public consultation exercise on a legislative proposal to implement the REJ Arrangement, and is currently following up on the comments received. DoJ strives to brief the Panel on the relevant legislative proposal as early as practicable.

(iii) Measures for mutual recognition of and assistance to corporate insolvency proceedings and debt restructuring

14. On 14 May 2021, the HKSAR Government and the SPC signed the “Record of Meeting of the Supreme People’s Court and the Government of the Hong Kong Special Administrative Region on Mutual Recognition of and Assistance to Bankruptcy (Insolvency) Proceedings between the Courts of the Mainland and of the Hong Kong Special Administrative Region”, which establishes a new cooperation mechanism for cross-boundary corporate insolvency and debt restructuring matters between both places. We understand that since the implementation of the aforementioned cooperation mechanism, there has already been a case in which the Shenzhen Intermediate People’s Court, pursuant to the mechanism, recognised Hong Kong insolvency proceedings and the liquidators appointed therein.¹ There have also been two cases in which the Hong Kong court recognised orders made by respectively the Hainan High People’s Court and the Beijing First Intermediate People’s Court in bankruptcy reorganisation procedures and granted assistance to the relevant bankruptcy administrators.² DoJ will continue to support practitioners in both places in the implementation of the new cooperation mechanism and the enrichment of their professional experience in this regard.

¹ (2021) Yue 03 Ren Gang Po No. 1 (粵 03 認港破 1 號)

² Re HNA Group Co., Limited [2021] HKCFI 2897; Re Peking University Founder Group Company Limited [2021] HKCFI 3817

(c) *Cooperation arrangements with the Mainland - latest progress*

15. The latest progress of cooperation and exchange documents signed between DoJ and the Mainland includes:

- Regarding the implementation of the Record of Meeting on Further Enhancement of Exchanges and Cooperation signed with the SPC in July 2021, DoJ is currently discussing with the SPC on refining the “Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Proceedings between the Mainland and Hong Kong Courts”. Based on over 20 years of practical experience in cross-boundary service of judicial documents, the two parties are exploring the feasibility of including other methods of service to optimise and increase the efficiency of mutual service by both parties.
- A record of meeting was signed with the Supreme People’s Procuratorate (“SPP”) in July 2021, strengthening development and training for public prosecutors and promoting development and the rule of law of both places. At the International Criminal Law Conference organised by DoJ in November 2021, one of the speakers was a member of the SPP who shared his views on the anti-corruption regimes in the Mainland and Hong Kong. Some 400 participants attended in person, while over 500 joined the Conference via live streaming platforms.
- Regarding the Framework Arrangement on Legal Talent Exchanges and Training Cooperation signed by DoJ with the Ministry of Justice (“MoJ”) in July 2021, DoJ is currently assisting the MoJ in arranging ten Mainland personnel from the judicial and administrative system to participate in the Common Law training scheme in Hong Kong and study for the Master of Common Law degree offered by the local universities.

(2) Application of the United Nations Convention on Contracts for the International Sale of Goods (“CISG”) to Hong Kong

16. To implement the CISG in the HKSAR, the Sale of Goods (United Nations Convention) Ordinance was passed by the Legislative Council (“LegCo”) last September. The application of the CISG to the HKSAR would be in line with the National 14th Five-Year Plan and further enhance its status as an international trade hub and as a centre for international legal and dispute resolution services in the Asia-Pacific

region. Subject to completion of the relevant process under Article 153 of the Basic Law as well as requisite notification under the Convention by the Central People's Government ("CPG"), the CISG is expected to apply to the HKSAR with effect from around Q3 this year.

17. To assist the legal and business sectors in getting ready for the application, DoJ promotes the CISG to the society through writing blogs³ and articles⁴, and organising seminars, workshops and international conferences. DoJ jointly organised two seminars with the Hong Kong General Chamber of Commerce on 19 and 26 January 2022 in Cantonese and English respectively, and jointly organised a webinar and a workshop with the Asian Academy of International Law ("AAIL") respectively on 24 January and 21 February 2022. DoJ will hold an international conference on 27 March 2022, which is during the period when the 19th Willem C. Vis East International Commercial Arbitration Moot ("Vis East Moot") is held in Hong Kong. Vis East Moot is an international commercial arbitration mooting competition, with the CISG as its topic and world renowned experts and scholars as adjudicators. DoJ will invite relevant experts and scholars to discuss the latest developments of the CISG. Further, DoJ has set up a dedicated webpage on the CISG on its website since March 2020 to consolidate relevant practical information. DoJ has been promoting the CISG and its implementing legislation, as well as information on related events, through a variety of other media, for example, releasing information via the E-Newsletter of the Support and Consultation Centre for SMEs (SUCCESS) of the Trade and Industry Department, Facebook, LinkedIn and Weibo.

(3) The Guangdong-Hong Kong-Macao Greater Bay Area Legal Professional Examination ("GBA Examination")

18. The inaugural examination was successfully held on 31 July 2021, with examination results released on 30 September. For post-examination training and practice management, the Department of Justice of Guangdong Province promulgated the "Trial Measures on Practice Management in the Nine Municipalities in the GBA for Hong Kong and Macao Legal Practitioners" on 15 December 2021, in which relevant rules on conditions and procedures for application to practise, scope of business, supervision and management etc. were prescribed. Thereafter, on 22 December 2021, the Guangdong Lawyers Association issued a notice on the intensive training and assessment arrangements for candidates who have passed the inaugural examination.

³ SJ's Blog "Application of CISG brings more business" (28 December 2021)

⁴ For example, DoJ has been publishing featured articles and reports in publications and on platforms frequently viewed by the legal and business sectors, including the commercial law feature article "A Common Language for International Trade – The CISG and its Implementation in the HKSAR" in the January 2022 issue of *Hong Kong Lawyer*, which is the official journal of the Law Society of Hong Kong.

The intensive training is organised by the Guangdong Lawyers Association and conducted online, with training period from 14 January to 9 April 2022 (every Friday to Sunday). After completing the intensive training, candidates must pass the online interview assessment arranged by the Guangdong Lawyers Association in order to be eligible to apply to the Department of Justice of Guangdong Province to practise in the nine Mainland municipalities in the GBA.

19. On 14 December 2021, the MoJ announced that the 2022 GBA Examination will be held on 11 June this year in Shenzhen. DoJ will actively cooperate with the MoJ and the Department of Justice of Guangdong Province in implementing the second examination.

(4) Outcome related fees structures for arbitration

20. On 17 December 2020, the Law Reform Commission of Hong Kong (“LRC”) launched a public consultation on the use of outcome related fees structures for arbitration, with overwhelming support for the proposed reform from the public response received. The LRC published a report on 15 December 2021, recommending that the law in Hong Kong be amended to lift the prohibitions on the use of the outcome related fees structures by lawyers in arbitration taking place in and outside Hong Kong. The Advisory Committee on Promotion of Arbitration has already expressed its support for the recommendations. Based on the LRC’s recommendations, DoJ will propose to amend the Arbitration Ordinance (Cap. 609) and the Legal Practitioners Ordinance (Cap. 159), and will brief the Panel of the proposed amendment bill in due course.

(5) Enhancing international legal cooperation and exchange

(a) *International legal and dispute resolution institutions joining the Hong Kong Legal Hub*

21. Last year, the ceremonial opening of the hot-desking of the Law Association for Asia and the Pacific (“LAWASIA”) was held during the Hong Kong Legal Week, making it the first organisation to join the Hong Kong Legal Hub in hot-desking mode. The Asian-African Legal Consultative Organization (“AALCO”) Hong Kong Regional Arbitration Centre was formally established following an unveiling ceremony held on 29 November 2021 by AALCO, which marked a major milestone in the development and promotion of Hong Kong as an international legal and dispute resolution hub.

(b) Secondment Arrangements to International Organisations

22. Since December 2020, with the support of the CPG and the assistance of the Office of the Commissioner of the Ministry of Foreign Affairs in the HKSAR, DoJ has put in place programmes for seconding local legal professionals to renowned international organisations, including the Hague Conference on Private International Law (“HCCH”), the International Institute for the Unification of Private Law (“UNIDROIT”) and UNCITRAL. The secondment programmes with the HCCH and UNIDROIT are open to local legal professionals in both the public and private sectors. The secondment programme with UNCITRAL will mark the HKSAR sending its very first junior professional officer in the legal field to the United Nations. These secondment programmes have been progressing well. A government counsel commenced her secondment to the Regional Centre for Asia and the Pacific of UNCITRAL in late December last year. The first secondee from the private sector just commenced her secondment at the HCCH on 7 February 2022.

(c) Hosting decision-making meetings of international organisations in Hong Kong

(i) Annual Session of AALCO and the establishment of the AALCO Hong Kong Regional Arbitration Centre

23. With the CPG’s support, DoJ secured the hosting of the 59th Annual Session of AALCO (“Annual Session”) in Hong Kong, which was endorsed as a major achievement in the 2021 Policy Address. The Annual Session was smoothly held via hybrid mode for the first time from 29 November to 1 December 2021. A total of 45 member states registered to attend the Annual Session, which was a record in AALCO’s history. Premier Li Keqiang delivered the Inaugural Statement online from Beijing during the inaugural session. The Secretary for Justice, Ms Teresa Cheng, SC, was elected the President of the Annual Session and chaired the three-day meeting. During the Annual Session, the next Secretary-General of AALCO was also elected and appointed by member states. The eBRAM Centre and AAIL also organised a side event during the Annual Session in relation to online dispute resolution (“ODR”) to introduce the strengths of Hong Kong.

24. With major support from the CPG and AALCO, the establishment of the AALCO Hong Kong Regional Arbitration Centre was officially announced at the Annual Session, reflecting the AALCO’s trust and confidence in Hong Kong, and evidencing the CPG’s support of the 14th Five-Year Plan to reinforce Hong Kong as an international legal and dispute resolution hub. Follow-up action is underway to

prepare for the Centre's operations. We will continue to explore developing other areas of international dispute resolution.

(ii) Inter-sessional meeting of UNCITRAL Working Group III

25. Furthermore, with the CPG's support, DoJ, UNCITRAL and AAIL, for the very first time, successfully co-organised a hybrid inter-sessional meeting of UNCITRAL Working Group III in Hong Kong on 28 and 29 October 2021. The inter-sessional meeting attracted over 600 registered participants from 94 countries and regions, fostering the development of investment mediation as one of the options for Investor-State Dispute Settlement Reform. With the CPG's ongoing support, DoJ will continue to organise international conferences to support the work of UNCITRAL Working Group III on the drafting of model mediation clauses for inclusion in international investment agreements.

(d) *Promoting the use of mediation and facilitating exchange of the mediation sector*

26. As part of DoJ's continuing efforts to promote and strengthen public knowledge in mediation, as well as to enhance Hong Kong's international profile and status in dispute resolution services, DoJ has been organising the Mediation Week biennially since 2012. Mediation Week 2022 will be held in the first week of May and will feature a full range of mediation related activities, concluding with the paramount Mediation Conference. Various local and international renowned speakers and mediators will be invited to explore how to promote the wider use of mediation in daily lives as well as commercial and international affairs.

(e) *Promoting and facilitating wider use of LawTech through enhanced cooperation with international organisations and other jurisdictions*

27. The DOJ Project Office for Collaboration with UNCITRAL established the Inclusive Global Legal Innovation Platform on ODR ("iGLIP on ODR") to cooperate with UNCITRAL in exploring ODR-related issues. iGLIP on ODR comprising experts from around the world, is established to gain understanding of and discuss recent international developments with regard to ODR, to examine relevant issues and to identify possible work in the future. iGLIP on ODR has already held two meetings in March and November 2021 respectively. At its 54th session, UNCITRAL also endorsed the suggestion of the UNCITRAL Secretariat to continue to collaborate with DoJ. The UNCITRAL Secretariat will continue to take part in iGLIP on ODR, so as to utilise the expertise, resources and connections available, and to cooperate in awareness enhancement and capacity-building.

(6) Hong Kong Legal Cloud

28. In order to enhance the capability of the legal profession to harness modern technology in the provision of legal and dispute resolution services, DoJ, through the “Hong Kong Legal Cloud Fund”, provided around \$15.7 million to subsidise the local legal and dispute resolution professionals to subscribe to services of the “Hong Kong Legal Cloud”. eBRAM Centre was selected as the service provider of the Hong Kong Legal Cloud services and has signed a memorandum of understanding with DoJ in December 2021 on the provision of the Hong Kong Legal Cloud services. With support from the Hong Kong Legal Cloud Fund, eBRAM Centre will develop an advanced and user-friendly online facility situated in Hong Kong to provide safe, secure and affordable data storage services for the legal and dispute resolution communities, which will be launched by Q1 2022.

(D) Promoting the development of legal bilingualism

29. Following the launch of the Combined DoJ English-Chinese Glossary of Legal Terms in September 2021, DoJ launched the Combined DoJ Chinese-English Glossary of Legal Terms on 30 December 2021 to continue to promote the development of legal bilingualism in Hong Kong. It is hoped that the Combined Glossaries can facilitate legal translation work and also promote the broader use of Chinese in the legal field in Hong Kong.

(E) A new project of “Systematic Review of the Statutory Laws of Hong Kong” by the LRC

30. The LRC Secretariat has embarked upon the task to undertake the Systematic Review of the Statutory Laws of Hong Kong regularly.⁵ A major component of the systematic review, to which priority will be given, is the adaptation of laws,⁶ whereas other components of the review, including the consolidation of laws and the repeal of obsolete laws, are the subject of active preparatory work in anticipation of their commencement.

31. In regaining the momentum to complete the adaptation exercise, the LRC Secretariat will continue to liaise with the responsible bureaux, in respect of around 60

⁵ See also the paper for LegCo Panel on Administration of Justice and Legal Services of 21 June 2021, LC Paper: No. CB(4)1135/20-21(01).

⁶ The adaptation of laws refers to the process of identifying and amending certain provisions or references in the ordinances and subsidiary legislation that were in force in Hong Kong before 1 July 1997 so that they are consistent with the Basic Law and the status of Hong Kong as a Special Administrative Region of the People’s Republic of China.

pieces of primary legislation so far identified which contain statutory provisions requiring adaptation, to provide policy input as to how those provisions should be adapted. The LRC Secretariat will monitor progress to ensure that the necessary legislative process can commence timeously and will report to the Panel at suitable intervals. The proposed adapted legal provisions will be submitted by the relevant bureaux for LegCo's scrutiny.

32. In parallel, the relevant bureaux approached are also asked to identify provisions which may have become obsolete. The LRC Secretariat will take their responses into account for necessary follow-up as appropriate, whether by having such provisions repealed or suitably amended to bring them up-to-date. The proposed legislative amendments will similarly be submitted by the relevant bureaux for LegCo's scrutiny.

33. Regarding ordinances for which DoJ is responsible, the LRC Secretariat have commenced scrutiny of the provisions. Among them, the preliminary examination of, for example, the Crown Proceedings Ordinance (Cap. 300) has been completed and, upon confirmation after review by the relevant legal divisions, the drafting work may commence, and will be submitted for LegCo's scrutiny at an appropriate time.

34. As to the consolidation of laws, its major objective is to improve accessibility of the law through statutory laws which are easily searchable, clear and intelligible to implement a core concept of the principles of the rule of law. Achieving this aspect of the overall objective of the systematic review will promote and advance the rule of law in Hong Kong. The LRC Secretariat is conducting a preliminary examination to identify suitable areas of law for consideration by the relevant bureaux.

Department of Justice
February 2022