

**For discussion on
26 February 2024**

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

**Creation of directorate posts to support the
International Organization for Mediation and related work
and to take forward the establishment of the
Hong Kong International Legal Talents Training Academy**

PURPOSE

This paper invites Members' views on the following proposals in the International Law Division (ILD) of the Department of Justice (DoJ):

- (a) proposed creation of one permanent post of Deputy Principal Government Counsel (DPGC) (DL2) to undertake the necessary legal work and the general managerial work relating to the International Organization for Mediation Preparatory Office (IOMed Preparatory Office), and to assist in the work relating to the establishment and future operation of the International Organization for Mediation (IOMed); and
- (b) proposed creation of one time-limited supernumerary^{Note} post of Assistant Principal Government Counsel (APGC) (DL1)/DL1-equivalent non-civil service position for a period of five years from 2024-25 to 2028-29 to implement the policy initiative of setting up a dedicated office and an expert group within 2024 to take forward the establishment of the Hong Kong International Legal Talents Training Academy.

^{Note} The civil service establishment includes posts on the permanent establishment and those on the non-permanent establishment (i.e. time-limited posts). Time-limited directorate posts are referred to as "supernumerary directorate posts", which are time-limited posts on the non-permanent establishment. It does not mean they are not counted towards the establishment.

JUSTIFICATIONS

Existing manpower of ILD

2. ILD is headed by the Law Officer (International Law) who is supported by two Principal Government Counsel (PGC), designated as Deputy Law Officer (Mutual Legal Assistance) (DLO (MLA)), and Deputy Law Officer (Treaties and Law) (DLO (T&L)).

3. DLO (MLA) is supported by two DPGC. Each DPGC leads a team responsible for, among other things, dealing with requests for legal cooperation between the Hong Kong Special Administrative Region (HKSAR) and other jurisdictions. Apart from coordinating, giving advice on and processing all incoming and outgoing requests for surrender of fugitive offenders, mutual legal assistance, transfer of sentenced persons, child abduction and other areas of international legal cooperation (such as letters of request for taking of evidence), the Mutual Legal Assistance (MLA) Unit also undertakes a variety of additional legal work (including negotiations of bilateral agreements/ arrangements with other jurisdictions in cooperation in criminal matters, assisting in the enactment and implementation of legislation, etc.). The Unit also participates in international forums such as the Financial Action Task Force Against Money Laundering, United Nations Office on Drugs and Crime and related networks and initiatives.

4. DLO(T&L) is supported by three DPGC. Each DPGC leads a team which is responsible for, *inter alia*, providing legal advice on international law to the Government and giving legal support for the negotiations of international agreements. The subjects under the purview of Treaties and Law (T&L) Unit include international trade law, consular privileges and immunities, civil aviation and maritime matters, international labour conventions, etc. Apart from the above, given the Unit also takes forward policy initiatives in promoting Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region and under the Belt and Road Initiative at the international level as well as enhancing Hong Kong as a centre for capacity building in international law, the Unit has been heavily involved in activities and events for promoting Hong Kong as an international legal services centre, and in this regard has been in close collaboration with various international organisations.

(A) **Proposed creation of one permanent DPGC post**

Background

5. Under the National 14th Five-Year Plan and the Greater Bay Area Development Plan, the Central People's Government (CPG) has strategically positioned Hong Kong as an international legal and dispute resolution services centre in the Asia Pacific region. With the view to raising Hong Kong's international profile and promoting the strengths of and opportunities for Hong Kong's legal and dispute resolution services, it has been the DoJ's ongoing policy initiative to strengthen cooperation with renowned international legal and dispute resolution bodies and attracting their presence to or carrying out of activities in Hong Kong.

IOMed

6. With the staunch support from the CPG, the IOMed Preparatory Office was established in Hong Kong in early 2023 pursuant to the Joint Statement on the Future Establishment of the International Organization for Mediation signed by the People's Republic of China with a number of foreign States.

7. The IOMed Preparatory Office was established to carry out the preparatory work and conduct the negotiation of an international convention for the establishment of the International Organization for Mediation (IOMed Convention). The IOMed, once established, will be the first international inter-governmental legal organisation in the world specialising in settlement of international disputes by mediation that provides friendly, flexible, economical and efficient mediation services for international disputes and will be a useful supplement to the existing dispute resolution institutions and means of dispute resolution, providing a new platform for the peaceful settlement of international disputes.

Bid for hosting the IOMed Headquarters in Hong Kong

8. The IOMed Preparatory Office has successfully held several rounds of negotiations for the IOMed Convention in Hong Kong last year. On 30 November 2023, China submitted to the IOMed Preparatory Office an expression of interest for hosting the IOMed headquarters in Hong Kong, and the Old Wan Chai Police Station has been identified as a suitable site for the purpose. At the negotiations held in early 2024, it was agreed by consensus that, upon the establishment of the IOMed, China would be the

host country of its headquarters, and the IOMed headquarters would be located in the HKSAR of China. The negotiation on the IOMed Convention is progressing in an orderly manner. Upon the adoption and entry into force of the IOMed Convention, the IOMed headquarters will be officially established in the HKSAR. The HKSAR Government will continue to provide robust safeguard for the future operation of the IOMed under the guidance and support of the CPG.

9. The IOMed headquarters to be established in Hong Kong will undoubtedly strengthen the city's position as an international legal and dispute resolution services centre. The IOMed will not only be the first and only international inter-governmental organisation in Hong Kong but also the first and only one specialising in mediation for resolution of international disputes, on par with the International Court of Justice and the Permanent Court of Arbitration in The Hague, which specialise in other means of dispute resolution. As agreed by the negotiating parties of the IOMed Convention, the potential site for the headquarters of the IOMed should be made available within 2025 to facilitate early commencement of operation of the IOMed.

10. In order to meet the said timeline, DoJ has been working with other relevant bureaux and departments to renovate the Old Wan Chai Police Station on a fast-tracked basis in preparation of the site for future use by the IOMed and related purposes, with the aim for substantial completion of the project by mid-2025. The Old Wan Chai Police Station is a Grade 2 historic building. The Antiquities Advisory Board and the Wan Chai District Council, which were consulted on 14 December 2023 and 5 January 2024 respectively, were supportive of the project. This Panel was also consulted and expressed strong support for the project on 23 January 2024. DoJ will submit its funding proposal to the Legislative Council's Public Works Subcommittee and will also submit it to the Finance Committee for funding approval to ensure that the renovation works could be completed in time.

Permanent work required in the long run

11. In light of the above, there will be continuous and permanent work on IOMed. It is of utmost importance to support the smooth operation of the IOMed Preparatory Office until the conclusion of the IOMed Convention and to ensure the full operation of IOMed (including its secretariat) in the long run. There is a need for continuing manpower support from DoJ to the existing IOMed Preparatory Office and the IOMed

to be subsequently established.

12. In addition to other officials working at the IOMed Preparatory Office, a total of three DoJ counsel (one APGC (DL1) and two Senior Government Counsel (SGC)) have been seconded to work in the IOMed Preparatory Office since 2023. The three DoJ counsel are so far occupying one existing APGC post (DL1) and two existing SGC posts in different Divisions of DoJ. It is proposed to create the permanent DPGC (DL2) post (to be supported by the non-directorate staff as mentioned in paragraph 16 below) so that, on the one hand, existing operational needs of DoJ could be effectively met by releasing the three DoJ posts as currently occupied by the three seconded counsels and, on the other hand, to address the increase in workload of the IOMed Preparatory Office closer to conclusion of the negotiations and in relation to the establishment and future operations of the IOMed.

13. In anticipating the conclusion of the IOMed Convention in late 2024 or early 2025, the negotiations of the IOMed Convention should proceed to involve more complicated legal issues as well as more interactive discussions among the participating States. This will generate huge amount of work including intensive discussions and closer liaison among the parties, in-depth and extensive drafting work on the rules/regulations and a wide range of related logistics work. On top of the above, there would also be major promotional events particularly after conclusion of the IOMed Convention. These would include the signing ceremony and related promotional conferences on the IOMed Convention and the relevant rules/regulations. There would also be other regular events and publicity activities to promote the IOMed Convention and the IOMed Headquarters in the HKSAR. In this regard, there is also a good likelihood that counsel grade officers would need to be seconded to the IOMed Secretariat upon its establishment to assist in the above major and ongoing work. Even when no secondment arrangement is in place, they (while based in ILD) would still be required to continue to provide support to IOMed in further developing the IOMed Convention and the relevant rules/regulations and promoting IOMed's Headquarters in the HKSAR.

Need for creation of one permanent DPGC post

14. To take forward the initiatives and to cope with the increasing workload as described above, it is necessary that one permanent DPGC be created in ILD. The DPGC will be tasked to manage the organisation of the international negotiation of the IOMed Convention among interested

States, undertake the necessary legal work and the general managerial work of the IOMed Preparatory Office, and assist in the work relating to the establishment of IOMed as well as the future operation of IOMed and other pertinent work. As the negotiation will become more complex and more complicated, sensitive diplomatic and legal issues will arise in relation to the establishment and the initial operation of the IOMed, it is necessary to have the DPGC post created to address such challenges and to undertake such work. The DPGC will assist in taking forward the important initiatives mentioned above, including to support the organisation of a number of sessions of the negotiation IOMed Convention (more sessions will be held in 2024/2025) until its conclusion and assist in transforming the IOMed Preparatory Office into IOMed in the very near future, as well as to ensure the smooth operation of IOMed and assist and provide support to its operation thereafter.

15. The proposed DPGC post will head a new team to be set up under the MLA Unit. The job descriptions of the proposed DPGC is at **Annex 1**.

Non-directorate support

16. Two permanent SGC posts and one permanent Personal Secretary (PS) I post will also be created, along with the creation of the proposed DPGC post in 2024-25 to strengthen support at non-directorate level to cope with the ongoing work generated from the establishment and future operation of IOMed.

(B) Proposed creation of one time-limited APGC post/ DL1-equivalent non-civil service position

Background

17. In making good use of Hong Kong's bilingual common law system and international background, under the 2023 Policy Address (paragraph 58 therein), a dedicated office and an expert committee will be set up within 2024 to initiate and take forward the establishment of the Hong Kong International Legal Talents Training Academy to regularly organise different practical legal courses, seminars and international exchange activities, etc., in order to promote talent exchanges in areas along the "Belt and Road" and provide foreign-related legal talent training for our country, as well as cultivate legal talents who are familiar with international law, common law, civil law, and national legal systems.

18. The 20th National Congress report has proposed “advancing the rule of law in China”. With respect to “advancing the rule of law in domestic and foreign-related affairs in a coordinated manner”, the report has emphasised that while improving the level of domestic rule of law, it is also necessary to coordinate the construction of foreign-related laws and regulations as well as the nurturing of talents, with a view to developing the rule of law in domestic and foreign-related affairs in harmony and without disparity.

19. In an increasingly complex international political and economic environment, nurturing relevant talents with an international perspective and proficiency in foreign-related rule of law affairs has become particularly important.

20. In the process of promoting the high-standard opening-up and high-quality development, our country has a huge demand for legal talents with foreign-related legal knowledge. DoJ also learns that the central ministries, local agencies and the Mainland counterparts have expressed their hope and support for Hong Kong, being a common law jurisdiction internationally acclaimed and having relatively experienced legal talents, to make more extensive contributions to meet the training needs of our country in respect of foreign-related legal talents.

21. Further, Hong Kong must continue to consolidate its strategic position as an international legal and dispute resolution services centre in the Asia-Pacific region under the National 14th Five-Year Plan. In this regard, we would need to continue supporting the enhancement of the depth and breadth of professional exchanges and mutual learning among local industry and stakeholders as well as national and foreign legal counterparts, experts and academics. This also effectively drives the Hong Kong legal sector to consolidate its legal expertise and experience in stepping forward to an international advanced level, developing the legal sector in the direction of having high-end expertise and high value-added legal talents, thereby further integrating the Hong Kong legal sector into the national development of our country.

Training of Legal Talents

22. In order to make good use of Hong Kong’s strengths under the rule of law, the Government will establish the Hong Kong International Legal Talents Training Academy. Not only could this consolidate Hong

Kong's position as an international legal and dispute resolution services centre in the Asia-Pacific region under the National 14th Five-Year Plan, it would also allow Hong Kong to further participate in the next decade of jointly building the "Belt and Road" Initiative. More importantly, this would further contribute to our country's efforts to promote the construction of the rule of law, and give full play to Hong Kong's unique advantages and position in connecting our country to the rest of the world at the interface of the rule of law. In developing Hong Kong as a national capacity-building centre for foreign-related rule of law personnel, we can also better safeguard national sovereignty, security and development interests.

23. To take forward the matter, DoJ will establish within 2024 a dedicated new office, namely, the Hong Kong International Legal Talents Training Office (the Office), to carry out the following major functions and responsibilities, to prepare for the establishment of the Hong Kong International Legal Talent Training Academy:

- (a) to assist in formulating the necessary strategy and to plan, organise and implement training programmes in general for legal talents in domestic, foreign and international law, including the consolidation of existing legal professional training and capacity building projects organised, co-organised or funded by DoJ;
- (b) to assist in the planning and implementation of new or specific training programmes in accordance with the actual or operational needs of target participants; and
- (c) to advise and arrange for personnel with relevant foreign-related legal experience, including local representatives of the legal profession (e.g. current or retired judges, experienced practising barristers or solicitors, etc.), as well as Mainland or overseas experts and academics (including legal staff from international organisations) to serve as trainers, mentors or speakers to teach through appropriate modes such as seminars, workshops or short-term internships.

24. It is expected that the Office will also plan the required resources for the longer run, including identifying a potential permanent site for the Hong Kong International Legal Talent Training Academy and pursuing the establishment of permanent posts for the Office to continue taking forward the work of the Academy in future.

25. Riding on existing training and capacity building projects organised, co-organised or funded by DoJ, the Office will plan, organise and implement the training programmes with a focus on legal practice and procedure, which is distinct from law schools or universities with a primary focus on teaching legal theories and academic subjects.

26. The Office will serve as the coordinating body of the Government on the said policy initiatives and as the secretariat for the Hong Kong International Legal Talents Training Expert Committee (Expert Committee) to be set up within 2024 to advise and assist DoJ on the said policy initiatives.

Need for creation of one time-limited APGC post/ DL1-equivalent non-civil service position from 2024-25 to 2028-29

27. To take forward the new policy initiative as mentioned in paragraphs 17 to 26 above, it is necessary that one time-limited APGC (DL1) post/ DL1-equivalent non-civil service position be created for five years from 2024-25 to 2028-29 in ILD to assist in advising, planning and formulating strategies for implementing the policy initiatives and in overseeing the organisation, coordination, promotion and implementation of activities and programmes for discharging the functions, responsibilities and role of the Office.

28. The job descriptions of the proposed APGC post/ DL1-equivalent non-civil service position are at **Annex 2**.

Non-directorate support

29. Three time-limited posts, namely one SGC, one Government Counsel and one Law Clerk will also be created for a period of five years from 2024-25 to 2028-29 along with the creation of the proposed APGC post/ DL1-equivalent non-civil service position to strengthen support at non-directorate level.

30. The existing and proposed organisation chart of ILD showing the proposed posts of the permanent DPGC and the time-limited APGC/ DL1-equivalent non-civil service position is at **Annex 3**.

ALTERNATIVES CONSIDERED

31. The existing heads of other teams in the two Units in ILD at DPGC level are already fully occupied by very heavy duties under their own purview. The possibility of redeploying existing staffing resources to undertake the above tasks and the increased workload has been explored but is considered not feasible as resources in ILD are already fully stretched.

FINANCIAL IMPLICATIONS

32. The proposed creation of the permanent DPGC post and the time-limited APGC post/ DL1-equivalent non-civil service position in DoJ will bring about an additional notional annual salary cost at mid-point of \$4,435,800. The additional full annual average staff cost, including salaries and staff on-cost, is \$5,752,000.

33. The additional notional annual salary cost at mid-point for the six additional non-directorate posts as mentioned in paragraphs 16 and 29 above is \$6,898,080 and the full annual average staff cost, including salaries and staff on-cost, is \$9,352,000. We will include sufficient provision in the draft Estimates of 2024-25 to meet the cost of this proposal and will reflect the resources required in the Estimates of subsequent years.

ADVICE SOUGHT

34. Members are invited to comment on the proposal. Subject to Members' support, we will seek endorsement of the Establishment Subcommittee and approval from the Finance Committee accordingly.

Department of Justice
19 February 2024

**Job descriptions of the proposed
Deputy Principal Government Counsel Post
in the International Law Division**

Rank : Deputy Principal Government Counsel

Responsible to : Deputy Law Officer (Mutual Legal Assistance)

Major duties and responsibilities

1. To support the organisation of the international negotiation of an international convention for the establishment of the International Organization for Mediation (IOMed Convention) among interested States;
2. To support the operation and finances of the IOMed Preparatory Office and ensure legal compliance of its operation;
3. To advise on complex issues of the legal instruments and rules and regulations related to the establishment of IOMed and its headquarters as well as interpretation of the IOMed Convention and other related instruments in the future;
4. To supervise the legal officers seconded from the Department of Justice and officers involving in the work of the IOMed Preparatory Office and the IOMed in the future;
5. To assist in the work relating to transforming the IOMed Preparatory Office to the Secretariat and headquarters of IOMed and in the establishment of IOMed;
6. To assist and provide support in the operation of IOMed, including promotion of its work; and
7. To perform such other relevant duties as may be assigned from time to time by the Deputy Law Officer (Mutual Legal Assistance) or the Law Officer (International Law).

**Job descriptions of the proposed time-limited
Assistant Principal Government Counsel Post/
DL1-equivalent non-civil service position
in the International Law Division**

**Rank : Assistant Principal Government Counsel/
DL1-equivalent non-civil service position**

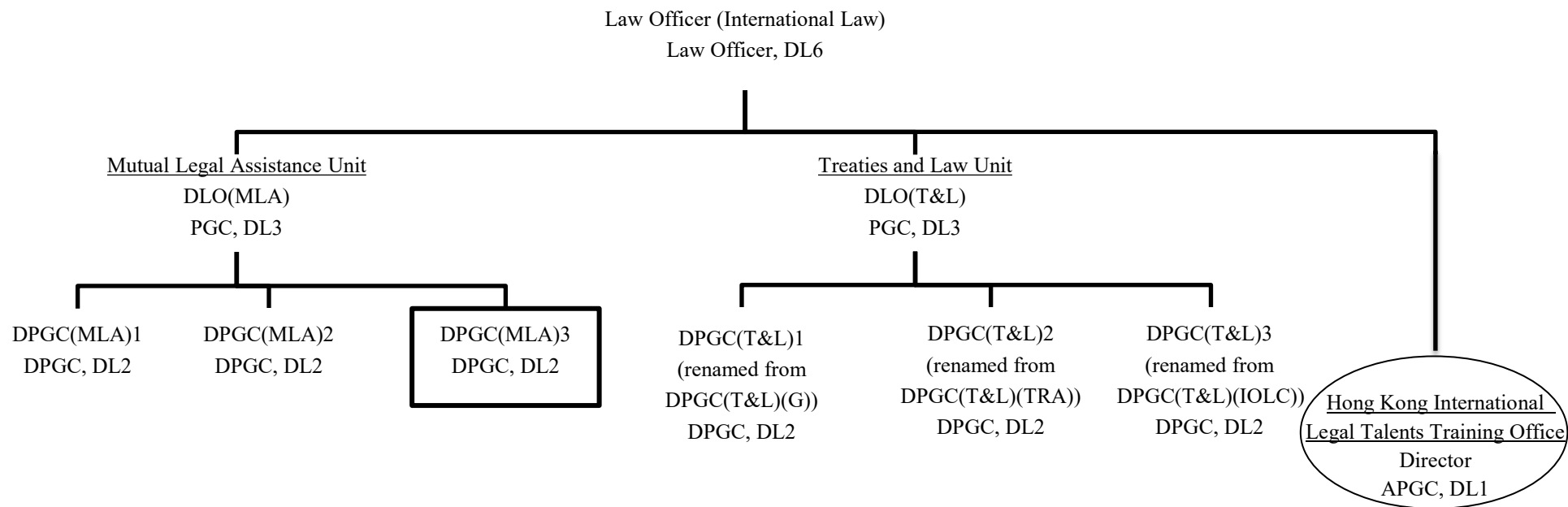
Responsible to : Law Officer (International Law)

Major duties and responsibilities

To take forward the policy initiatives of developing Hong Kong as a capacity-building centre for legal talents in domestic, foreign and international law, in particular:

1. To assist in advising, planning and formulating strategies on the provision of training or capacity-building programmes, arrangements, activities or visits for training targets in domestic, foreign and international law, including to steer necessary research or study on various areas;
2. To assist in consolidating existing training and capacity-building programmes and arrangements organised, co-organised or funded by the Department of Justice and integrating such programmes and arrangements under the policy initiatives;
3. To assist in organising, coordinating, implementing and promoting the training or capacity-building programmes, arrangements, activities or visits for training targets in domestic, foreign and international laws;
4. To liaise with and reach out to important or key officials, personnel from governmental or non-governmental bodies or organisations, judges, legal professionals or experts, academics, stakeholders, etc. to take forward the policy initiatives;
5. To serve as the secretary to the Hong Kong International Legal Talents Training Expert Committee, including provision of secretarial support to the Expert Committee; and
6. To undertake such other relevant duties as may be assigned from time to time.

Existing and Proposed Organisation Chart of the International Law Division



- Legend :
- DL = Directorate Legal Pay Scale
 - PGC = Principal Government Counsel
 - DPGC = Deputy Principal Government Counsel
 - APGC = Assistant Principal Government Counsel
 - DLO = Deputy Law Officer
 - DPGC(T&L)(G) = Deputy Principal Government Counsel (Treaties and Law)(General)
 - DPGC(T&L)(IOLC) = Deputy Principal Government Counsel (Treaties and Law)(International Organisations and Legal Co-operation)
 - DPGC(T&L)(TRA) = Deputy Principal Government Counsel (Treaties and Law)(Trade-Related Affairs)



Proposed creation of new permanent DPGC post



Proposed creation of new time-limited APGC post/ DL1-equivalent non-civil service position from 2024-25 to 2028-29