

For information

Legislative Council
Panel on Administration of Justice and Legal Services

Vision 2030 for Rule of Law

Purpose

In response to the request of the Panel Chairman, this paper provides the Panel with further information of the “Vision 2030 for Rule of Law”, a ten-year visionary initiative, which is a commitment by the Department of Justice (DoJ) to building and maintaining a fair and rule-based society underpinned by the rule of law through collaboration with stakeholders towards sustainable development for all.

Background on Vision 2030

2. In 2015, all member of the United Nations have adopted the 2030 Agenda for Sustainable Development (the Agenda), a blueprint to achieve a better and more sustainable future for all. The 17 goals under the Agenda were adopted by all Member States of the United Nations (UN) in 2015 to address global challenges, including poverty, inequality, climate change, environmental degradation, peace and justice etc. The 17 goals are interconnected, with the rule of law being a pillar for its successful implementation. Goal 16 aims to promote peaceful and inclusive for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. This year is important as it marks the Decade of Action to achieve the goals by 2030. Against the above background, DoJ has decided to formulate a new initiative, Vision 2030 for Rule of Law (Vision 2030).¹

¹ Indeed, as an associate member of the Economic and Social Council Commission for Asia Pacific (ESCAP) under the UN, Hong Kong has a lot of experience to offer to our counterparts and contribute to the global Agenda, especially on Goal 16. Hong Kong consistently ranked high globally in various areas, for example, judicial independence (1st in Asia for 6 years, World Economic Forum Global Competitiveness Report) and rule of law (16th-17th globally since 2014, World Justice Project).

High-level Policy Support for Vision 2030

3. In the 2019 Policy Address (Supplement), the Chief Executive supports the launch of Vision 2030, a visionary initiative which spans over ten years for the promotion and education of the rule of law.

4. At the ceremonial opening of the Legal Year on 13 January 2020, the Secretary for Justice (SJ) announced that DoJ will launch a ten-year project entitled “Vision 2030 for Rule of Law”. This initiative seeks to promote the proper understanding and recognition of the rule of law by studying its various elements through research, stakeholders’ collaboration and capacity building, thereby contributing to the sustainable development of inclusive and fair societies at both the domestic and international levels.

5. In the 2020-21 Budget, the Financial Secretary has also earmarked about HK\$450 million for DoJ to implement Vision 2030, which is a ten-year initiative intended to cover the necessary human resources and other operational expenses.

Roadmap for Vision 2030

6. Vision 2030 aims to advance the rule of law and achieve sustainable development goals in related fields through:

- Facilitating inclusive stakeholders’ collaboration;
- Encouraging academic and professional exchange and research;
- Enhancing capacity building and dissemination of proper information; and
- Organizing promotional activities and contributing to building a strong rule of law community within this region and beyond.

7. Vision 2030 comprises short, medium and long term targets. As the first step, a Task Force on Vision 2030 (Task Force) with memberships of local and international renowned experts, has been set up to advise the Government on its proposal to achieving the intended policy objective. The membership list of the Task Force is enclosed. It is planned that the first meeting of the Task Force will be held in June this year.

8. Subject to the views and recommendations of the Task Force, our short term targets includes, (1) strengthening the community’s understanding and practice of the rule of law through promotion, education and capacity building; (2) conducting research and collating relevant data relevant to rule of law; (3) fostering collaboration with local and international stakeholders and to co-organise events to promote and advance the rule of law; and (4) keeping abreast of international and regional development in the rule of law.

Strengthening understanding and practice of rule of law

9. Hong Kong takes pride in having a strong rule of law and an independent judiciary, under the principle of “One Country, Two Systems”, which are the cornerstones of Hong Kong’s success. Amongst other comments, a recent study conducted by a local think tank, the Bauhinia Research Foundation Centre², commented that the current society lacks education on the rule of law and urged the need to strengthen education on the rule of law, and suggested that all stakeholders should reflect on the situation and engage in meaningful dialogues. There is a need to strengthen proper education on the rule of law and to engage stakeholders for Hong Kong to achieve greater heights.

10. Under Vision 2030, there are plans to roll out public education projects for various levels through more localised projects and targeted promotion for various sectors, including (1) general public; (2) schools; (3) districts and local community; and (4) professional and the legal community.

(1) General Public

To enhance public awareness of the proper understanding of various aspects of the rule of law, DoJ will release a series of animation on specific topics for the general public. The first animation has just

² The Bauhinia Research Foundation Centre published its 3rd report on the “Survey on public perception towards the rule of law in Hong Kong” on 19 December 2019.

been released.³ DoJ has also since 2018 published bilingual summaries of court judgments which involve important legal principles or substantial public interest, to cater for general readers. Through further promotion of these and other initiatives, we will continue to work with different stakeholders and reach out to the community to strengthen public awareness and understanding of the law.

(2) Schools

DoJ will review the existing “Meet the Community” Programme under the purview of the Prosecutions Division to further enhance the proper understanding of the rule of law, increase awareness and to empower young people to put the learning into practice.

(3) District and Local Community

DoJ will collaborate with other professional bodies, for example, the Independent Commission Against Corruption (ICAC) to reach out to the local community to promote the rule of law and anti-corruption.

(4) Professional and Legal Community

The DoJ is working on publications to provide professional and the legal community with a guide for a proper understanding of the Basic Law and the principles of judicial review. In addition, a Youth Empowerment Programme will be set up under Vision 2030 to educate youths and students on the proper concept of rule of law and empower youths to put the learning into practice.

³ <https://www.doj.gov.hk/eng/public/studio/studio20200420pr1.html>

Research and Data Collection for Assessing Rule of Law

11. The concept of the rule of law and how it can be assessed have been a subject for scholarly debate. Often, the indicators chosen and the variety in the sources of the data (e.g. perception-based general public surveys, selective expert polls and legislative reviews) differs across various international ranking reports on rule of law. Currently, objective data relating to the rule of law in Hong Kong is largely scattered and fragmented. Various departments, including the DoJ and the Legal Aid Department, maintain statistics, information and data related to the practice of rule of law, for example, statistics on judicial review cases and statistics on the number of legal aid applications, etc. The Judiciary also maintains statistics on its caseload and case disposal, as well as court related mediation statistics (including civil matters, family proceedings and building management cases). Collating the relevant data and setting up a dedicated database would assist in assessing rule of law and facilitating research and capacity building for the future in this region and beyond.

12. Based on the data collected, in-depth and focused analysis of the use of these data to formulate an objective methodology for assessing the practice of rule of law is expected to be conducted. The collection of such data and the use of such methodology may then be shared with other jurisdictions with a view to jointly promoting the rule of law. In so doing, this will facilitate Hong Kong's participation in projects in the countries and regions involved in the Belt and Road Initiatives (BRI) and thereby protecting the interests of Hong Kong companies investing overseas.

Collaboration with stakeholders

13. Vision 2030 will include projects to enhance training as well as capacity building. DoJ is in dialogue with the ICAC to collaborate in training on anti-corruption and rule of law in Hong Kong and in other jurisdictions, including those along the BRI. There are also plans in the pipeline to organise forums and workshops in other jurisdictions to

encourage academic and professional exchanges.

Hong Kong Legal Week

14. DoJ will be organising a number of events during the Hong Kong Legal Week in November 2020 (Legal Week).

(1) Rule of Law Congress

15. The official launch of Vision 2030 is planned to be held during the inaugural Rule of Law Congress (Congress), which is one of the major events of the Legal Week. The Congress is expected to attract international and local participants, including government officials, professionals, experts and other stakeholders, to share their experiences in advancing the rule of law and encourage academic exchanges for capacity building on the different aspects of rule of law for the region and beyond.

(2) 4th North East Asia Multi-stakeholders Forum on Sustainable Development

16. DoJ will jointly organise with ESCAP, the 4th North East Asia Multi-stakeholders Forum on Sustainable Development in Hong Kong (SDG Forum). This is the first time the SDG Forum is hosted by Hong Kong, China as an associate member of ESCAP. The SDG Forum will be attended by government officials and representatives from non-governmental organisations from six Member States of ESCAP, including China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea and Russian Federation. It is expected that the Forum will discuss Goal 16 and general issues on rule of law.

Way Forward

17. As an international city with a strong rule of law tradition, it is our role to pursue and contribute to the Goal 16 of the 2030 Agenda for

Sustainable Development. By implementing the above, we hope that not only Hong Kong but those jurisdictions with which we interact will develop and practise the rule of law.

18. Vision 2030 is a ten-year initiative. The various short term targets are expected to be further developed and evolved on the advice of the Task Force and through exchanges with the community and stakeholders. By identifying the underlying issues, building up our expertise, enhancing capacity building, and strengthening collaboration with local and international stakeholders, we are hopeful for the future of Hong Kong in strengthening our understanding and practice of rule of law for inclusive and sustainable development.

19. We appreciate and welcome Members' views on Vision 2030. We will continue to work with the Panel and other stakeholders to advance the rule of law for sustainable development.

Department of Justice
April 2020

Task Force on Vision 2030 for Rule of Law
Membership List

(as at 24 April 2020)

(in alphabetical order)

Chairman

Ms. Teresa CHENG, GBS, SC, JP

Secretary for Justice, Hong Kong SAR

Members

Mrs. Olufunke ADEKOYA

Partner, ALEX, Nigeria

Mr. Makhdoom ALI KHAN

Senior Advocate, Supreme Court of Pakistan

Judge Rosemary BARKETT

Iran-United States Claims Tribunal

Mr. Justice Michael John HARTMANN, GBS

Former Non-Permanent Judge of the Court of Final Appeal, Hong Kong SAR

Professor Yoshihisa HAYAKWA

Professor of Law, Rikkyo University, Japan

Ms. Aigoul KENJEBAYEVA

Kazakhstan and Central Asia Managing Partner, Dentons Kazakhstan LLP

Judge LIU Daqun

Judge of the International Residual Mechanism for Criminal Tribunals

Dr. Surakiart SATHIRATHAI

Chairman of Asian Peace and Reconciliation Council

Professor Nico SCHRIJVER

Professor of Public International Law, Leiden University, the Netherlands

Dr. Thomas SO

Partner, Mayer Brown, Hong Kong SAR

Ms. Winnie TAM, SC, JP

Senior Counsel, Des Voeux Chambers, Hong Kong SAR

Mr. Michael TIDBALL

CEO of LAWASIA

Professor Albert Jan van de Berg

Honorary President of the International Council for Commercial Arbitration

Mr. Hans van Loon

Former Secretary General of the Hague Conference on Private International Law

Judge XUE Hanqin

Vice President, International Court of Justice

Professor ZHANG Yuejiao

Adjunct Professor, Tsinghua University, China

Law Officer (Civil Law) (*ex officio*)

Commissioner of Inclusive Dispute Avoidance and Resolution (IDAR) Office (*ex officio*)

Secretariat

Rule of Law Unit, IDAR Office

Task Force on Vision 2030 for Rule of Law
Brief biographical information of Members

(in alphabetical order)

| | Name |
|----|---|
| 1. | <p>Mrs. Olufunke ADEKOYA <i>Partner, ALEX, Nigeria</i></p> <p>Mrs. Olufunke Adekoya is also a member of the World Bank Sanctions Board, a member of the Governing Board of the International Council for Commercial Arbitration and a member of Africa International Legal Awareness.</p> |
| 2. | <p>Mr. Makhdoom ALI KHAN <i>Senior Advocate, Supreme Court of Pakistan</i></p> <p>Mr. Makhdoom Ali Khan served as the Attorney General of Pakistan from 2001-2007. He is also a member of the Board of American Arbitration Association and a member of the Governing Board of International Council for Commercial Arbitration.</p> |
| 3. | <p>Judge Rosemary BARKETT <i>Iran-United States Claims Tribunal</i></p> <p>Prior to her present position, Judge Rosemary Barkett was the Chief Justice of the Florida Supreme Court and also served as a Judge of the United States Court of Appeals for the Eleventh Circuit.</p> |
| 4. | <p>Mr. Michael John HARTMANN, GBS <i>Former Non-Permanent Judge of the Court of Final Appeal, Hong Kong SAR</i></p> <p>Mr. Michael Hartmann joined the Hong Kong Judiciary in 1991 and was the former Non-Permanent Judge of the Court of Final Appeal from 2010-2016. He was also the first Representative of the Asia Pacific Regional Office of the Hague Conference on Private International Law.</p> |

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| 5. | <p>Professor Yoshihisa HAYAKAWA <i>Professor of Law, Rikkyo University, Japan</i></p> <p>Professor Yoshihisa Hayakawa is also the Secretary General of the Japan International Dispute Resolution Centre. He has represented Japan in many international fora, for example, he is currently the Convenor of the group on Strengthening Economic Legal Infrastructure under APEC Economic Committee.</p> |
| 6. | <p>Ms. Aigoul KENJEBAYEVA <i>Kazakhstan and Central Asia Managing Partner, Dentons Kazakhstan LLP</i></p> <p>Ms. Aigoul Kenjebayeva is also the Chair of the Board of the Kazakhstan Bar Association and a member of the Foreign Investors Council Legal Working Group (under the auspices of the President of Kazakhstan).</p> |
| 7. | <p>Judge LIU Daqun <i>Judge of the International Residual Mechanism for Criminal Tribunals</i></p> <p>Prior to his current position, Judge Liu Daqun was the Vice-President of the International Criminal Tribunal for the former Yugoslavia. He is also a member of the Permanent Court of Arbitration and the <i>Institut de Droit International</i>.</p> |
| 8. | <p>Dr. Surakiart SATHIRATHAI <i>Chairman of Asian Peace and Reconciliation Council</i></p> <p>Prior to his current position, Dr. Surakiart Sathirathai occupied top posts in the government of Thailand including serving as Deputy Prime Minister, Minister of Culture, Minister of Foreign Affairs and Minister of Finance in different periods.</p> |
| 9. | <p>Professor Nico SCHRIJVER <i>Professor of Public International Law, Leiden University, the Netherlands</i></p> <p>Professor Nico Schrijver is the immediate past President of the <i>Institut</i></p> |

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| | <p><i>de Droit International</i>. He is also a Member of the UN Committee on Economic, Social and Cultural Rights and a Member of the Advisory Committee on International Law Affairs of the Dutch Government.</p> |
| 10. | <p>Dr. Thomas SO Partner, Mayer Brown, Hong Kong SAR</p> <p>Dr Thomas So was the President of the Law Society of Hong Kong from 2016-2018, and previously served as Deputy Judge at the District Court and Temporary Deputy Registrar at the High Court of Hong Kong. He is also the Chairman of the Hong Kong Academy of Law.</p> |
| 11. | <p>Ms. Winnie TAM, SC, JP <i>Senior Counsel, Des Voeux Chambers, Hong Kong SAR</i></p> <p>Ms Winnie Tam served as the Chairman of the Hong Kong Bar Association from 2015 to 2017. She is also the Chairman of the Hong Kong Communications Authority, a Member of the Hong Kong Law Reform Commission and the Chief Executive's Council of Advisers on Innovation and Strategic Development.</p> |
| 12. | <p>Mr. Michael TIDBALL <i>CEO of LAWASIA</i></p> <p>Mr. Michael Tidball is also concurrently the Chief Executive Officer at the Law Society of New South Wales in Australia and will take up a new position as the Chief Executive Officer of the Law Council of Australia after June 2020.</p> |
| 13. | <p>Professor Albert Jan van de Berg <i>Honorary President of the International Council for Commercial Arbitration</i></p> <p>Professor Albert Jan van den Berg previously served as the President of the International Council for Commercial Arbitration and a former Vice-President of the London Court of International Arbitration. He is now a partner in Hanotiau & van den Berg and also Professor Emeritus of Law at Erasmus University, Rotterdam.</p> |

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| 14. | <p>Mr. Hans van Loon <i>Former Secretary General of the Hague Conference on Private International Law</i></p> <p>Mr. Hans van Loon was the Secretary General of the Hague Conference on Private International Law (HCCH) from 1996 to 2013 and was instrumental in establishing the HCCH Asia Pacific Regional Office in Hong Kong in 2012. He is also an honorary Member of the <i>Asociación Americana de Derecho Internacional Privado</i>.</p> |
| 15. | <p>Judge XUE Hanqin <i>Vice President, International Court of Justice</i></p> <p>Judge Xue Hanqin has been a judge at the International Court of Justice since 2010. She previously served as the Ambassador of China to the Netherlands, Permanent Representative to the Organization on the Prohibition of Chemical Weapons, Ambassador of China to ASEAN. She also chaired the U.N. International Law Commission in 2010.</p> |
| 16. | <p>Professor ZHANG Yuejiao <i>Adjunct Professor, Tsinghua University, China</i></p> <p>Professor Zhang Yuejiao served as one of the seven members and Chair of the Appellate Body of the World Trade Organization between 2007 and 2016. In 2017, she was designated by the President of the World Bank to the Panel of Arbitrators of the International Centre for the Settlement of Investment Dispute for 6 years.</p> |