

**立法會**  
**Legislative Council**

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

**Minutes of meeting**  
**held on Monday, 27 September 2021, at 4:30 pm**  
**in Conference Room 2 of the Legislative Council Complex**

**Members present** : Hon CHEUNG Kwok-kwan, JP (Chairman)  
Hon Martin LIAO Cheung-kong, GBS, JP (Deputy Chairman)  
Hon Starry LEE Wai-king, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBM, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon CHUNG Kwok-pan  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon Holden CHOW Ho-ding  
Hon YUNG Hoi-yan, JP

**Member absent** : Dr Hon Junius HO Kwan-yiu, JP

**Public Officers attending** : **Agenda item II**

Department of Justice

Dr James DING  
Commissioner  
Inclusive Dispute Avoidance and Resolution Office

Miss Venus CHEUNG  
Deputy Principal Government Counsel (Acting)  
Inclusive Dispute Avoidance and Resolution Office

Ms Vivian CHAN  
Government Counsel  
Inclusive Dispute Avoidance and Resolution Office

**Agenda item III**

Department of Justice

Dr James DING  
Commissioner  
Inclusive Dispute Avoidance and Resolution Office

Ms Lorraine CHAN  
Deputy Principal Government Counsel (Treaties &  
Law) (International Organisations and Legal Co-  
operation)  
International Law Division

**Attendance by  
invitation**

: **Agenda item II**

The Law Society of Hong Kong

Mr Roden TONG  
Vice President and Chairman of Standing  
Committee on Member Services

Mr Calvin CHENG  
Chairman of Young Solicitors' Group and Member  
of Standing Committee on Member Services

Ms Wendy LEE  
Director of Member Services

**Agenda item III**

Hong Kong Bar Association

Mr Hugh KAM

**Clerk in attendance** : Mr Lemuel WOO  
Chief Council Secretary (4)6

**Staff in attendance** : Ms Clara TAM  
Senior Assistant Legal Adviser 2

Mr Raymond SZETO  
Senior Council Secretary (4)6

Miss Janice HO  
Council Secretary (4)6

Ms Emily LIU  
Legislative Assistant (4)6

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Action

**I. Information paper(s) issued since the last meeting**

There was no information paper issued since the last meeting.

**II. Progress on implementation of Vision 2030 for Rule of Law**

(LC Paper No. CB(4)1549/20-21(01) - Paper provided by the Administration

LC Paper No. CB(4)1549/20-21(02) - Background brief prepared by the Legislative Council Secretariat)

Briefing by the Administration

2. The Commissioner of Inclusive Dispute Avoidance and Resolution Office ("C/IDAR") of the Department of Justice ("DoJ") updated members on the rule of law education and promotion projects and international exchanges under the 10-year "Vision 2030 for Rule of Law" initiative ("Vision 2030").

Views of The Law Society of Hong Kong

3. As invited by the Chairman, Mr Roden TONG of The Law Society of Hong Kong ("the Law Society") briefed members on its initiatives in promoting rule of law to the youths of Hong Kong in the past year. They included the Law Week 2020 themed "Fighting the Pandemic with the Power of Legal Knowledge" and the Law Society's flagship community project "Teen Talk".

4. On nurturing young legal talents, Mr Roden TONG informed members that the Legal Talent Recruitment Scheme (Trainee Solicitors) ("the Scheme") had been launched in July 2021. Under the Scheme, which was funded by the Administration and administered by the Law Society, a monthly salary subsidy was provided to each eligible law firm for recruiting a trainee solicitor for a maximum of 12 months.

5. Mr Calvin CHENG of the Law Society briefed members on the work of the Law Society's Young Solicitors' Group ("YSG") whose mission was to promote communications between junior and veteran solicitors. Besides those work which had been mentioned at the meeting of the Panel on Administration of Justice and Legal Services ("the Panel") held on 1 March 2021, Mr CHENG said that YSG was also planning to organize a new think-tank programme which would serve as a platform for young solicitors to present their ideas or insights on matters of concern to the profession to Council members of the Law Society for their feedback.

## Discussion

### *Advancing the rule of law among students*

6. The Deputy Chairman welcomed the various educational programmes launched for the primary and secondary schools under Vision 2030 by the Administration, as well as the series of work carried out by the Law Society to promote the rule of law. He expressed concerns that university students were not included in any programme under Vision 2030, though it was clear that some of them had been intoxicated by perverted concepts of the rule of law such as "justice law-breaking", and enquired about the reasons for that.

7. In response, C/IDAR explained that while the educational programmes under Vision 2030 were not specifically designed for university students, who were usually heavily occupied with universities' busy schedules, there were other activities that university students could join to enhance their understanding on rule of law, e.g. participating in seminars, serving as volunteers for different activities or group leaders in the Basic Law Ambassador Training Scheme, etc.

8. The Deputy Chairman pointed out that Article 10 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("NSL") stipulates that "The Hong Kong Special Administrative Region shall promote national security education in schools and universities and through social organisations, the media, the internet and other means to raise the awareness of Hong Kong residents of national security and of the obligation to abide by the law". He also noted that four of the eight Hong Kong universities funded by the University Grants Committee had already

incorporated or would incorporate NSL and national security into a compulsory course for their students. As such, the Deputy Chairman and Mrs Regina IP considered that organizing rule of law programmes for university students should not be a formidable task.

9. The Deputy Chairman further enquired whether DoJ would extend the training courses for primary and secondary school teachers such as "Respecting the Law, Reinforcing the Rule of Law" to teaching staff in universities who would teach subjects on the rule of law. In reply, C/IDAR explained that DoJ's prime mission in the promotion of rule of law was to enhance public understanding of the Constitution, the Basic Law and NSL broadly, while the educational programmes on those relevant subjects in schools, including universities, were being carried out by the Education Bureau ("EDB").

10. Noting the feeble law-abiding awareness among teenagers as revealed in the social events in 2019, Ms Elizabeth QUAT considered it essential to mandate students' participation in the educational programmes on rule of law. Mr Holden CHOW suggested that the Administration could make better use of the student ambassadors trained under the Basic Law Ambassador Training Scheme ("BL student ambassadors") and encourage them to take part in the various initiatives for the promotion of rule of law, such as sharing via short videos (or even television advertisements) on what they had learnt.

11. In response, C/IDAR said that the Administration had been actively encouraging the BL student ambassadors and their schools to enrol in the "Key to the future" short video competition (under the "Rule of Law Enlightenment" programme), and would continue to solicit their participation and support in different initiatives.

*Educational materials and resources for advancing the rule of law*

12. The Deputy Chairman enquired how the Administration would ensure the accuracy of the contents of the educational materials and resources on advancing the rule of law, in particular those taught at the university level. C/IDAR replied that EDB would consult DoJ for legal advice on the educational materials when necessary and, as a matter of fact, it had provided the relevant legal advice to EDB in the past.

13. Mrs Regina IP expressed support for teaching the three core principles of the rule of law to students: equality before the law, judicial independence and the culture of lawfulness to students. However, she highlighted the importance of designing graded educational materials meeting the needs of different age groups.

14. Ms Elizabeth QUAT shared a similar view and considered it unsatisfactory that the Chinese booklet entitled "願景2030—聚焦法治 Empowerment"("the booklet"), which was more suitable for adult audience in its content, had been distributed to primary and secondary students as well. Ms QUAT said that while using drama and the booklet for promoting the rule of law in schools was commendable, each of these platforms had its own limitation, other attractive and interactive media should be explored so that the Administration could reach out to more students and facilitate the learning of rule of law in an interesting way.

15. C/IDAR assured members that the Administration would continuously review the format and effectiveness of its various initiatives under Vision 2030. It would also review and improve the content of the booklet to make it more amenable to different audiences. He also informed members that DoJ had launched the "Studio DoJ" which provided a series of animated short videos on different legal subjects.

*Educational programmes on other relevant topics*

16. Mrs Regina IP said that ever since the establishment of Hong Kong Special Administrative Region in 1997, there were misconceptions regarding certain aspects of the rule of law held by people of Hong Kong as revealed in the objections raised against the Standing Committee of the National People's Congress ("NPCSC")'s interpretations of the Basic Law, which was clearly provided under Article 158 of the Basic Law, and the erroneous view that there existed separation of powers in Hong Kong.

17. Mrs Regina IP urged the Administration to step up public education and promote discussions among university students and scholars on these important topics, and instil the right concepts into their mind. Mrs IP also considered that many Hong Kong people could not appreciate the beauty of China law and its legal system and, therefore, the Administration should promote an understanding of legal systems other than the common law system.

18. Mr Holden CHOW concurred with Mrs Regina IP and considered that Vision 2030 should not just focus on topical issues in a piecemeal manner but should provide a comprehensive and coherent perspective about Hong Kong constitutional order including subjects on the Constitution, the Basic Law, the relationship between the two, the role of NPCSC, etc. He further suggested that the BL student ambassadors should be equipped with holistic knowledge about Hong Kong constitutional order so they could share with other youths more effectively.

19. In response, C/IDAR said that besides educational programmes for primary and secondary students, the Administration had also organized a series of events at more advanced levels engaging legal professionals, scholars, university students and even judges in discussions with a view to curing any misconceptions about the rule of law, among which was the "National Security Law Legal Forum - Security Brings Prosperity" organized in July 2021.

20. C/IDAR said that besides rule of law, the Administration also recognized the importance of educating the public on more diverse legal knowledge and topics including the Constitution and the Basic Law. He informed members that a Basic Law legal summit had been organized in November 2020 which covered topics from various aspects. To strengthen the knowledge and exchange on different topics, the Administration planned to organize another edition of it in 2022.

#### *International Youth Legal Exchange Conference 2021*

21. Ms Elizabeth QUAT noted that the delegations participating in the International Youth Legal Exchange Conference 2021 had submitted papers or given presentations at the conference which provided in-depth analyses on diverse topics. In this connection, Ms QUAT suggested the Administration to capitalize on such valuable resources for promoting the rule of law to youths who were of about the same age as the delegations, such as inviting the latter to conduct sharing sessions in schools, or producing learning resources for students based on such resources.

22. In response, C/IDAR said that the Administration would invite the two winning delegations to participate in the Hong Kong Legal Week 2021 to discuss topics relating to culture and rule of law. The Administration would also consider inviting the delegations from other jurisdictions to visit Hong Kong and conduct face-to-face sharing with local students after the pandemic had subsided. Ms Elizabeth QUAT said that there were many ways through which the deputations could share their ideas with local youths and the Administration should be more innovative without being thwarted by the pandemic.

### **III. Professional development for legal profession – international organisation secondment programmes**

(LC Paper No. CB(4)1549/20-21(03) - Paper provided by the Administration)

### Briefing by the Administration

23. C/IDAR briefed members on the latest developments of the various secondment programmes to international organisations for the legal profession ("the secondment programmes") which were part of DoJ's policy initiatives to nurture local legal talents. He highlighted that, with the staunch support of the Central People's Government ("CPG"), the Administration had made substantive progress to 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 and the International Institute for the Unification of Private Law ("UNIDROIT"). Furthermore, unlike the secondment programmes in the past, some positions were now open to non-government officers.

### Views of the Hong Kong Bar Association

24. Mr Hugh KAM of the Hong Kong Bar Association ("Bar Association") said that the secondment programmes were welcomed by the Bar Association as precious opportunities for the legal professionals to work in prestigious international organisations on private international law. The Bar Association had issued circulars to promote the secondment opportunities to HCCH and UNIDROIT to its members.

25. Mr Hugh KAM related the three suggestions made by the Bar Association regarding the secondment programmes. First of all, the Bar Association suggested that the Administration should announce updated information and details about the secondment programmes (such as the number of applications to each programme from solicitors and barristers respectively as well as, the years of experience and qualifications of applicants, etc.) on a regular basis to facilitate the Bar Association in promoting the programmes to its members and heads of chambers. Second, the Bar Association wished to know about the other international organisations which the Administration was approaching or being considered for inclusion in the coming secondment programmes, and the criteria for selecting the organisations.

26. Mr Hugh KAM said that at this juncture, the Bar Association would like to recommend the International Court of Justice, Permanent Court of Arbitration, International Criminal Court, Court of Arbitration for Sport and International Tribunal for the Law of the Sea, etc. for consideration in the list of international organisations. As regards the third suggestion of the Bar Association, Mr KAM said that in order to enhance the transparency and fairness of the selection process for selecting the secondees, especially those from the private sector, it was suggested that representatives from the Bar Association and the Law Society



should be invited to join the selection process.

27. At the invitation of the Chairman, C/IDAR said that the Administration welcomed the efforts made by the Bar Association in promoting the secondment programmes to its members and heads of chambers, as well as any suggestions on the secondment programmes including the list of international organisations to be included. C/IDAR also stressed that as one government counsel and one lawyer from the private practice would be seconded to each of HCCH and UNIDROIT, there was no question that the nomination process would be biased toward government counsel.

### Discussion

28. Members expressed support for the secondment programmes and were delighted to learn that, with CPG's staunch support, the Administration had achieved substantive progress.

29. The Chairman and Dr Priscilla LEUNG said that they had attended the Launching Ceremony for the Secondment of Young Professionals from Hong Kong to International Law Organisations and, as observed from the secondees' presentation, they were of exceptional quality well suited to be selected. The Chairman said that the secondment programmes would strengthen Hong Kong's position as a world-class legal and dispute resolution services centre by showcasing the rich experience and knowledge in public and private international law of its legal talents.

30. Dr Priscilla LEUNG considered HCCH as the most prestigious organisation of its kind and commended the Administration for achieving such a substantive progress to include it into the secondment programmes. She said that it would provide the rare opportunity for those legal talents who aspired to pursue a career in international law in the international arena. Mrs Regina IP also commended that the secondment programmes would provide precious opportunities for local legal talents which were not available and unheard of during the colonial era.

### *Promotional activities and selection process for the secondment programmes*

31. Dr Priscilla LEUNG enquired about the promotional activities for the secondment programmes. In reply, C/IDAR said that when applications for joining the secondment programmes were called for, the relevant information and promotional materials had been promulgated on DoJ's website until the end of the application period. Dr LEUNG said that while law students or fresh graduates from law schools might not be qualified to be selected, the Administration could still promote the secondment programmes to law schools and law students to let them be aware of these priceless opportunities.

32. Dr Priscilla LEUNG then enquired about the selection criteria for identifying the secondees, such as whether years of experience would be considered. In reply, C/IDAR said that there was no minimum requirement on the years of experience of the applicants as long as they had been admitted as solicitors or barristers in Hong Kong.

33. Dr Priscilla LEUNG also said that to her understanding, in order to work in the prestigious international organisations such as HCCH and UNIDROIT, recommendations from national authority would be necessary, she therefore enquired whether the Ministry of Foreign Affairs ("MFA") had participated in the selection process. In reply, C/IDAR explained that there were three rounds of selection interviews with the first round conducted by a selection committee in DoJ. The second round was conducted with the participation of MFA and, in the final round, the international organisation concerned would evaluate the suitability of the candidate(s).

34. In response to Dr Priscilla LEUNG's enquiry on the remuneration for the secondees, C/IDAR said that government counsel on secondment would be remunerated as usual and according to the relevant civil service regulations. As for the secondees coming from the private practice, a subsidy of HK\$50 000 would be paid to the secondees and they would have to discuss with their employers on the arrangements during the secondment period and to make up the shortfall in their monthly earning on their own if necessary.

*Potential benefits of providing secondment opportunities to non-government officers*

35. The Chairman and Mr Holden CHOW enquired about the potential benefits of seconding local lawyers in private practice to the international organisations under the secondment programmes. In response, C/IDAR said that the Administration's policy objective of nurturing local legal talents was not limited to government counsel but also lawyers in the private practice. Furthermore, lawyers in the private sector could enhance their knowledge on international legal matters and develop global vision through the secondment opportunities, which would particularly be advantageous if their daily work required knowledge about international law and conventions. In the longer term, it would also facilitate private-public collaboration in enhancing Hong Kong's position as a leading international legal and dispute resolution services centre.

36. Mr CHUNG Kwok-pan reckoned that in future, there might be a greater number of applications from lawyers in private practice for joining the secondment programmes. He suggested the Administration to consider

opening up all the available opportunities for secondment to HCCH and UNIDROIT to both government counsel and lawyers in the private practice for fair competition at the same time and there was no need to separate them into different queues.

37. In response, C/IDAR explained that the present arrangement was the outcome of discussion between the Administration and the international organisations concerned which would have their own preference on the background of the secondees. It had been a general tendency for these organisations to opt for secondees with government experience. C/IDAR said that if there were more applicants from the private sector, the Administration might negotiate with the international organizations for more secondment opportunities, though which would be subject to the vacancies and need of respective organisations.

*Possibility of more secondment opportunities*

38. Dr Priscilla LEUNG suggested that more secondment opportunities to other renowned international organisations such as the World Health Organisation be explored. Mr Holden CHOW said that in view of the scale of participation in the Asian Infrastructure Investment Bank ("AIIB") but only one government counsel had been seconded to the legal department of AIIB, Mr Holden CHOW asked whether there would be more lawyers from Hong Kong seconded to AIIB in the future.

39. In response, C/IDAR confirmed that in addition to the secondment programmes in the three renowned international organisations on private international law as lined up by CPG, DoJ had also signed an agreement with AIIB and the secondee (a government counsel) was working at the legal department of AIIB. While the Administration could try to request for more secondment positions, they were mainly subject to availability and the need of the international organisations concerned.

40. Mrs Regina IP said that she fully appreciated the importance of the work of the three renowned international organisations which closely correlated with the status of Hong Kong as an international commercial centre. In view of Hong Kong's status as an international maritime hub and its potential for further development, and the significance of the United Nations Convention on the Law of the Sea for the trade, Mrs IP enquired whether there might also be secondment opportunities to international maritime organisations in the future.

41. C/IDAR said that as international trade law and commercial law was at present more relevant to the need for Hong Kong's development into an international trade and commercial centre, which were also of greater interests

to most lawyers in private practice, the Administration therefore gave priority to finding secondment opportunities in the related international organisations on private international law. However, the Administration would continue to explore secondment opportunities in other international organisations including those focused on specific areas such as the one mentioned by Mrs Regina IP.

*Other issues*

42. Mr CHUNG Kwok-pan considered that the secondment programmes had definitely showcased the strengths of Hong Kong legal talents and their capabilities to work for the top-notch international organisations in private international law. However, as there had been unfair allegations made by politicians and media of foreign countries which intentionally undermined and discredited the rule of law in Hong Kong at the international level in recent years, Mr CHUNG enquired whether and what actions had been taken by the Administration in refuting the unfounded allegations to set the record straight.

43. In response, C/IDAR said that the Administration had spared no effort in responding to any fake or inaccurate media reports regarding the rule of law of Hong Kong. If appropriate, the Secretary for Justice ("SJ") would also provide her responses directly to the editors of those media. The Administration had also organized a series of "Why Hong Kong" recently which included information to rectify any misunderstanding or misconceptions about Hong Kong, including those about the rule of law in Hong Kong.

44. C/IDAR added that as the ambassadors of Hong Kong, the secondees in the secondment programmes were also expected to contribute by presenting the true picture about the rule of law in Hong Kong through discussion or sharing with members of these international organisations. During the selection interview for joining the secondment programmes, the interviewees had been asked how they could effectively perform their roles as ambassadors if they were selected.

**IV. Any other business**

45. Members noted that the Panel would receive a briefing by SJ and the Director of Administration on the Chief Executive's 2021 Policy Address in respect of the policy initiatives of DoJ and those relevant to the Chief Secretary for Administration's Office, at the policy briefing scheduled on 11 October 2021.

46. There being no other business, the meeting ended at 5:48 pm.

Council Business Division 4  
Legislative Council Secretariat  
10 November 2021