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Replies to initial questions raised by Legislative Council Members in examining the Estimates of Expenditure 2024-25

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CONTROLLING OFFICER'S REPLY

SJ001

(Question Serial No. 2278)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in paragraph 172 of the Budget (sic) that the Department of Justice (DoJ) will continue to promote Hong Kong's legal and dispute resolution services in the Mainland, the Middle East and ASEAN member states. In this connection, would the Government inform this Committee of:

1. the establishments and expenditures of the DoJ for promoting Hong Kong's legal and dispute resolution services in the Mainland, the Middle East and ASEAN member states in the past 5 years; and
2. the DoJ's work on promoting Hong Kong's legal and dispute resolution services in the Mainland, the Middle East and ASEAN member states in the past 5 years; and
3. the effectiveness of the above work? If any, what are the details? If nil, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 16)

Reply:

1. The Department of Justice (DoJ) organises various activities and takes forward new initiatives and work to promote Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond.

Regarding the establishment and expenditure, the DoJ established in October 2022 the Legal Enhancement and Development Office (LEAD Office) under the Secretary for Justice (SJ)'s Office and the direct steer of the SJ to render high-level strategic support to the SJ and Deputy SJ, including assisting in the further formulation and co-ordination of the work on promoting Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond. Other units of the DoJ will also provide assistance as and when required. Among them, the Alternative Dispute Resolution Team of the Civil Division provides support

to the LEAD Office on dispute resolution matters. The establishment and estimated annual expenditure on emoluments of the LEAD Office and the Alternative Dispute Resolution Team are tabulated below:

Establishment	Estimated annual expenditure on emoluments (notional annual mid-point salary value)				
	2019-20	2020-21	2021-22	2022-23	2023-24
<u>LEAD Office</u> ^{Note 1}	Not applicable	Not applicable	Not applicable	\$7,491,840	\$19,120,200
2 Principal Government Counsel (PGC), 1 Deputy Principal Government Counsel (DPGC), 1 Assistant Principal Government Counsel (APGC), 3 Senior Government Counsel (SGC), 3 Government Counsel (GC), 1 Law Clerk (LC) and 2 Personal Secretaries (PS) I				(Only covered the expenses during the 6-month period from October 2022 to March 2023)	
<u>Alternative Dispute Resolution Team</u> Note 2	11,158,020	12,774,420	12,774,420	19,611,380	26,031,060
2 DPGC, 6 SGC, 8 GC, 3 LCs, 2 PSs I, 1 PS II and 2 Assistant Clerical Officers (ACO)					

Staff on loan from other divisions are not included in the above table.

Note 1: Among the posts in the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited.

Note 2: Before the revamp on 15 September 2022, the relevant work was undertaken by the Mediation Team, comprising 1 DPGC, 3 SGC, 4 GC (3 GC in 2019-20), 2 LCs, 1 PS I and 1 ACO. The Mediation Team was subsequently revamped into the Alternative Dispute Resolution Team.

Before the establishment of the LEAD Office, the relevant work was undertaken by the former Inclusive Dispute Avoidance Resolution (IDAR) Office. The establishment and estimated annual expenditure on emoluments of the former IDAR Office in the past 5 years are tabulated below:

Estimated annual expenditure on emoluments (notional annual mid-point salary)					
1 PGC, 2 SGC, 1 GC, 1 LC, 1 PS I and 1 ACO	2019-20	2020-21	2021-22	2022-23	2023-24
	\$1,865,100 (Note 1)	\$5,300,580 (Note 2)	\$7,951,380	\$3,975,690 (Only covered the expenses during the 6-month period from April to September 2022)	Not applicable

Note 1: The estimated annual expenditure on emoluments for 2019-20 only included 1 SGC and 1 LC.

Note 2: As the PGC post had not been created when the estimated expenditure for 2020-21 was calculated, the estimated annual expenditure on emoluments for 2020-21 did not include the expenses of that post.

As the relevant work is/was undertaken by the above officers among their other duties, the manpower/expenditure actually involved cannot be separately identified.

2 & 3.

Due to the impact of the COVID-19 pandemic, promotional visits to other regions between 2020 and early 2023 were restrained to a certain extent. The DoJ's major work on promoting Hong Kong's legal and dispute resolution services in the Mainland, the Middle East and ASEAN member states in the past 5 years is set out below.

The Mainland

Regarding the Mainland, the "Mediate First" Pledge Event series was organised by the DoJ and co-organised by the Shanghai Law Society and the Shanghai Commercial Mediation Center under the theme of "Commercial Disputes, Mediate First - Shanghai-Hong Kong Commercial Mediation Seminar" in Shanghai in August 2019. This was the first time the "Mediate First" Pledge Event series was held outside Hong Kong. The event attracted around 170 participants from different enterprises, as well as the legal and mediation sectors, among which approximately 80 enterprises or individuals signed the Pledge and agreed to first explore the use of mediation to resolve disputes. In addition, the DoJ co-organised with the Bureau of Justice of Shenzhen Municipality and the Qianhai Authority the Signing Ceremony of the "Mediate First" Pledge at the fourth Qianhai Legal Intelligence Forum in Qianhai, Shenzhen in November 2019 to promote the use of mediation to resolve disputes.

About 20 companies or organisations were attracted to sign the Pledge, agreeing to attempt the use of mediation first to resolve disputes.

In November 2019, the first seminar on the legal challenges and strategies under the Belt and Road (B&R) Initiative was held in Beijing and co-organised by the State-owned Assets Supervision and Administration Commission of the State Council (SASAC), the Department of Treaty and Law of the Ministry of Commerce and the DoJ. The Hong Kong delegation introduced to state-owned enterprises and private enterprises the strengths of Hong Kong's common law system and how Hong Kong's legal services could support Mainland enterprises to "go global", analysed the challenges and coping strategies of the legal and compliance risks encountered along with the opportunities under the B&R Initiative, and shared the experiences of Mainland enterprises using Hong Kong's professional services through real-life business examples. In August 2023, the SJ led a delegation of Hong Kong's legal and dispute resolution sectors comprising over 60 representatives from the Hong Kong Bar Association (HKBA), The Law Society of Hong Kong (The Law Society) and other sectors, to attend the second seminar on the legal challenges and coping strategies under the B&R Initiative in Beijing. The seminar, with speakers from the SASAC and the Department of Treaty and Law, as well as business leaders and senior legal professionals, received an overwhelming response with more than 150 participants including representatives from 86 state-owned enterprises and private enterprises.

Besides, the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) mediation platform was endorsed and established at the GBA Legal Departments Joint Conference held in December 2020. The legal departments of the three governments, with their joint efforts, promote the extensive use of mediation in the GBA. The platform promulgated unified accreditation standards for GBA mediators and relevant mediation standards and model rules applicable to the GBA for voluntary adoption by mediation institutions and various sectors in the GBA, so as to promote the extensive use of mediation in resolving disputes in the GBA.

The SJ led a delegation of Hong Kong's legal and dispute resolution sector, which comprised more than 100 representatives from the HKBA, The Law Society, enterprises as well as other representatives to attend the sixth Hong Kong Legal Services Forum with the theme of "Sichuan, Chongqing and Hong Kong Join Hands for a Brighter Future" organised by the DoJ in Chengdu in August 2023 to promote Hong Kong's international legal and dispute resolution services. The forum included 2 plenary sessions, and the breakout sessions demonstrating the use of mediation and arbitration for resolving disputes through the staging of mock mediation and arbitration, where more than 30 leaders of Hong Kong's legal and dispute resolution sector shared their insights. With the full support of the People's Government of Sichuan Province, the Chongqing Municipal People's Government, the Hong Kong and Macao Affairs Offices of Sichuan Province and of Chongqing Municipality, the legal, commercial and intellectual properties departments and local lawyers associations, as well as a number of chambers of commerce, the forum attracted more than 1 200 local legal practitioners and trade representatives.

The Deputy SJ led a delegation comprising representatives of the HKBA and The Law Society, a Legislative Councillor and other representatives to promote Hong Kong's legal and dispute resolution services in Hainan in September 2023. The promotional work has enhanced exchanges between the legal sectors of Hainan and Hong Kong, including promoting the unique advantages of Hong Kong's legal and dispute resolution services to

representatives of Mainland enterprises and the legal sector, exploring co-operation opportunities of both sides in legal and arbitration services in areas including intellectual property and finance, and fostering a better understanding of the latest developments of Hong Kong's legal sector in Hainan. A seminar co-organised by the DoJ under the theme of strengthening Hainan-Hong Kong co-operation for mutual benefit and win-win results attracted the attendance of around 280 participants. Subsequently, The Law Society and the Hainan Lawyers Association co-organised a webinar specifically for Hainan and the relevant lawyers on 28 February 2024 to strengthen co-operation and exchanges between the two places. The Deputy SJ led a delegation of young legal professionals to visit Shenzhen and Foshan in November in the same year.

Middle East

As for Middle East countries, the Deputy SJ led a delegation of the legal and dispute resolution sectors to visit Riyadh, Saudi Arabia for the first time in early March 2024 to participate in the Riyadh International Disputes Week to promote Hong Kong's strengths in legal and dispute resolution services and assist the sectors in exploring opportunities under the B&R Initiative. The delegation attended a thematic event entitled "Hong Kong and Riyadh: Legal and Dispute Resolution Services for Businesses along the Belt and Road", organised by the Hong Kong International Arbitration Centre. The event attracted more than 150 registrants from the business and legal sectors in the Middle East and other regions. Members of the delegation briefed participants on Hong Kong's comprehensive and diversified legal and dispute resolution services, as well as the opportunities for investing and doing business in the city. By attending other events, the delegation also enhanced exchanges with government officials and industry experts from various regions, explored ways to strengthen co-operation in legal services between Hong Kong and Saudi Arabia, and gained a better understanding of the Middle East's need for cross-jurisdictional legal services.

ASEAN

Regarding ASEAN member states, the Deputy SJ led a delegation of Hong Kong legal professionals to attend the "Resolve2Win - Legal Services of Hong Kong, Opportunities for All", an international promotional campaign co-organised by the DoJ in Bangkok, Thailand in March 2023 for promoting Hong Kong's legal and dispute resolution services. The Event attracted more than 200 participants from different sectors such as the financial, legal and professional services. The DoJ also collaborated with the Thailand Arbitration Center to promote the "Mediate First" Pledge campaign. This was the first time Hong Kong promoted the campaign overseas. 35 legal and business organisations, enterprises and individuals in Thailand agreed to sign the Pledge to support first exploring the use of mediation to resolve disputes, signifying a closer relationship between Hong Kong and Thailand on promoting mediation. The delegation also exchanged views with local legal and dispute resolution institutions on the development and promotion of alternative dispute resolution, and discussed the development of the legal profession and potential future co-operation.

The above promotional work has laid a solid foundation for Hong Kong to continue to explore opportunities for exchanges and co-operation with other regions. We believe that the promotional work will attract representatives from different regions to return to and participate in the relevant events held in Hong Kong, including the 26th International Council

for Commercial Arbitration Congress and the Mediation Week to be held in May this year, and the Hong Kong Legal Week 2024 to be held in November this year.

- End -

CONTROLLING OFFICER'S REPLY

SJ002

(Question Serial No. 2281)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in paragraph 172 of the Budget Speech that the Department of Justice (DoJ) will continue to promote Hong Kong's legal and dispute resolution services by organising international conferences and exchange activities, as well as leading delegations of legal professionals to visit the Mainland, the Middle East and ASEAN member states. Would the Government inform this Committee of:

1. the international conferences and exchange activities organised by the DoJ last year and the participation rate of legal professionals (such as practising lawyers from small and medium-sized law firms); and
2. the international conferences and exchange activities in the pipeline this year; and
3. whether it will consider organising matching activities to facilitate exchanges and co-operation among small and medium-sized law firms in Hong Kong and the Mainland so as to unleash the development momentum of the law firms in both places? If yes, what are the details? If not, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 19)

Reply:

1. Legal and dispute resolution professionals, including practising lawyers from small and medium-sized law firms, are always welcome and encouraged to actively participate in the international conferences and exchange activities organised by the Department of Justice (DoJ). We do not maintain statistics on the participation rate of practising lawyers from small and medium-sized law firms for individual conferences or activities.

In a bid to raise Hong Kong's international profile and showcase our commitment to promote Hong Kong's international legal and dispute resolution services, the International Law Division of the DoJ has been proactively promoting international exchanges and co-operation, and participating in relevant activities. In 2023, the DoJ organised (as a co-organiser or supporting organiser) the Hague Conference on Private International Law (HCCH) Asia

Pacific Week 2023, the 5th United Nations Commission on International Trade Law Asia Pacific Judicial Summit Judicial Conference and Judicial Roundtable, the Legal Forum on Interconnectivity and Development, the 3rd Asian-African Legal Consultative Organization Annual Arbitration Forum and The Hague Academy of International Law's Advanced Course in Hong Kong. Participants of these activities comprised academics, judges, government officials and legal practitioners from various countries and regions.

The DoJ has also been working closely with international organisations. For example, the DoJ is discussing with the International Institute for the Unification of Private Law about co-organising conferences or events on relevant topics in Hong Kong in 2024, thereby promoting Hong Kong's role as an international legal and dispute resolution services centre under the Belt and Road (B&R) Initiative. Moreover, the DoJ will set up a dedicated office and an expert committee in 2024 to take forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy). Through organising different practical legal courses, seminars and international exchange activities, etc. regularly, this can promote talent exchanges in areas along the B&R and provide foreign-related legal talent training for the country. Mainland experts and academics with relevant foreign-related legal experience may participate in the related activities of the Academy as trainers, mentors or speakers, and relevant legal professionals will also be welcome to join the courses/activities organised by the Academy.

Moreover, the DoJ signed a Memorandum of Cooperation (MoC) with Brunei Darussalam (Brunei) on 4 May 2023 to strengthen co-operation on issues relating to legal and dispute resolution, and a Brunei delegation was immediately arranged to visit courts and arbitration and mediation institutions on 5 and 6 May 2023 for exchanges according to the MoC. Both sides will collaborate in fostering international exchanges and co-operation between legal officials and professionals. The DoJ will continue to follow up on the signing of memoranda of legal co-operation with other jurisdictions.

In March 2023, the Deputy Secretary for Justice (Deputy SJ) led a delegation of Hong Kong legal professionals to attend the "Resolve2Win - Legal Services of Hong Kong, Opportunities for All", an international promotional campaign co-organised by the DoJ and the Hong Kong Trade Development Council in Bangkok, Thailand, to promote Hong Kong's legal and dispute resolution services. The event attracted more than 200 participants from different sectors such as the financial, legal and professional services. In addition, the DoJ and the Thailand Arbitration Center collaborated to promote the "Mediate First" Pledge in Thailand for the first time. 35 legal and business organisations, enterprises and individuals in Thailand agreed to sign the Pledge to support first exploring the use of mediation to resolve disputes, signifying a closer relationship between Hong Kong and Thailand on promoting mediation. The delegation also exchanged views with local legal and dispute resolution institutions on the development and promotion of alternative dispute resolution, and discussed the development of the legal profession and potential future collaborations.

2. The following international conferences and exchange activities are planned to be organised by the DoJ this year:

May	The Secretary for Justice (SJ) plans to lead a delegation of the legal and dispute resolution sectors and other related sectors to visit Middle East countries.
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September	The SJ plans to lead a delegation of the legal and dispute resolution sectors to visit ASEAN member states (including Brunei, Vietnam and Malaysia) for enhancing exchanges and co-operation between Hong Kong and the regions.
November	Hong Kong Legal Week 2024

3. The DoJ has been actively supporting the deepening of professional exchanges and collaboration between the legal sectors in Hong Kong and the Mainland, including promoting and supporting exchange activities organised by Hong Kong legal professional bodies and lawyers associations in various Mainland provinces and municipalities.

In regard to the Guangdong-Hong Kong-Macao Greater Bay Area (GBA), the DoJ will continue to vigorously promote exchanges and visits between legal talents in the GBA, including arranging trade delegation visits to the GBA to be led by the SJ or Deputy SJ, to enhance collaboration between stakeholders in the region. Meanwhile, the DoJ will organise or support diverse activities to establish a platform for professional exchanges, with a view to further leveraging the strengths of Hong Kong's legal professional services and advancing the collaborative development of legal talents in the GBA, including those from small and medium-sized law firms in Hong Kong.

Besides, the DoJ usually organises the Hong Kong Legal Services Forum (the Forum) in the Mainland on a biennial basis to promote Hong Kong's international legal and dispute resolution services to the Mainland legal sector and enterprises. For example, in August 2023, the SJ led a delegation of over 100 representatives from Hong Kong's legal and dispute resolution sectors to attend the sixth Hong Kong Legal Services Forum organised in Chengdu. The Forum attracted an attendance of over 1 200 local legal practitioners and trade representatives. An on-site business matching session was conducted at the Forum, with booths mainly set up by Hong Kong small and medium-sized law firms, to enable participants to directly consult those from the Hong Kong legal sector taking part in the session on legal issues of concern. The business matching session was useful for Hong Kong small and medium-sized law firms to establish connections with their Mainland counterparts and to foster co-operation and exchanges.

- End -

CONTROLLING OFFICER'S REPLY

SJ003

(Question Serial No. 2282)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in paragraph 182 of the Budget Speech that in order to nurture legal talent with an international perspective and good knowledge of different legal systems, the Department of Justice will set up a dedicated office and an expert group this year to take forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy). Would the Government inform this Committee of:

1. the establishment, expenditure on emoluments and total expenditure for setting up the dedicated office and expert group; and
2. the plan for establishing the Academy after the dedicated office and expert group are set up, the progress schedule and estimated expenditure for establishing the Academy?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 20)

Reply:

At present, the Department of Justice (DoJ) has set up an internal working group responsible for taking forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy) and related work. The Chief Executive's 2023 Policy Address mentions that, within 2024, the DoJ will set up a dedicated office and an expert committee comprising experts and academics at home and abroad to help plan the work of taking forward the establishment of the Academy and set out a clear and detailed long-term road map for the Academy.

Currently, the DoJ organises training, seminars and exchange activities in collaboration with Mainland and Macao institutions and international organisations, and also organises programmes for law students and young legal talents. The Academy will plan, organise and launch training programmes focusing on legal practices and procedures based on the existing training and capacity building programmes of the DoJ. Building on the existing capacity building programmes, the Academy will nurture relevant talents through organising regular legal training, seminars and international exchange activities, etc.

To take forward the establishment of the Academy, the DoJ proposed to create 1 time-limited supernumerary post of Assistant Principal Government Counsel (DL1)/DL1-equivalent non-civil service position for a period of 5 years. The additional annual salary cost of the post is \$2,028,000. The full annual average staff cost, including salaries and staff on-cost, is \$2,550,000.

The DoJ also plans to create 3 time-limited posts, namely 1 Senior Government Counsel post, 1 Government Counsel post and 1 Law Clerk post, each for a period of 5 years, to strengthen support at non-directorate level. The additional annual salary cost of the newly created non-directorate posts is \$3,207,000. The full annual average staff cost, including salaries and staff on-cost, is \$4,146,000.

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CONTROLLING OFFICER'S REPLY

SJ004

(Question Serial No. 2283)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

At the fifth Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Legal Departments Joint Conference held on 7 December 2023, the three parties supported the proposal of the Department of Justice (DoJ) to jointly strengthen co-operation among arbitration and mediation institutions in the three places, and a consensus was reached on the joint development of a collaborative online dispute resolution platform. Starting with the sharing of information and resources among arbitration and mediation institutions in the GBA, the parties will work together to promote the development of a common online dispute resolution platform in the region. In this connection, would the Government inform this Committee of:

1. the major duties of the DoJ in the development of the common online dispute resolution platform and the amount of resources to be allocated for taking forward its development; and
2. the expected time for launching the platform?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 21)

Reply:

1. The proposal to develop an online dispute resolution platform in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) was put forward by the Department of Justice (DoJ) at the fifth Guangdong-Hong Kong-Macao GBA Legal Departments Joint Conference. At the meeting, all three parties supported the DoJ's proposal to work together to develop a collaborative online dispute resolution platform, which will start with information and resources sharing among arbitration and mediation institutions in the GBA.

The joint development of a GBA collaborative online dispute resolution platform aims to integrate relevant online resources in the GBA, facilitate the sharing of legal resources and interfacing and application of rules in the cities in the GBA, in accordance with the 14th Five-Year Plan to fully realise the digitalisation of the modes of dispute resolution. This optimises diversified dispute resolution mechanisms such as arbitration and mediation in the GBA.

The collaborative proposal to jointly develop an online dispute resolution platform in the GBA is taken forward by a non-governmental organisation, eBRAM International Online Dispute Resolution Centre (eBRAM), a pioneer in online dispute resolution and LawTech supported by the DoJ. The DoJ will utilise its existing resources and manpower to take forward the work of the GBA collaborative online dispute resolution platform.

2. We understand that eBRAM has already commenced the work of developing a collaborative online dispute resolution platform to take forward the collaborative proposal to jointly develop such a platform in the GBA, and has secured support from a total of 7 arbitration and mediation institutions in Guangdong Province (Dongguan, Zhuhai, Guangzhou, Zhaoqing, Foshan) and Macao.

eBRAM is now liaising with other arbitration and mediation institutions in the GBA with a view to signing memoranda of understanding with more such institutions as soon as possible. Meanwhile, eBRAM is discussing with arbitration and mediation institutions in the GBA the details of co-operation in establishing a main website, with the thematic website expected to be launched in mid-2024 at the earliest.

- End -

CONTROLLING OFFICER'S REPLY

SJ005

(Question Serial No. 2287)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The Department of Justice has utilised the remaining funds of about HK\$15.7 million from the LawTech Fund to set up the Hong Kong Legal Cloud Fund (Cloud Fund) for eligible local legal and dispute resolution professionals, including solicitors and barristers, to subscribe to the Hong Kong Legal Cloud free of charge for 3 years. The Cloud Fund, administered by the Asian Academy of International Law on a pro bono basis, has been used to finance the setup cost, initial operational and promotion costs through disbursement of the actual subscription fees of qualified subscribers to the service provider. The eBRAM International Online Dispute Resolution Centre has been selected to provide the Hong Kong Legal Cloud services, which were launched in March 2022 to provide safe, secure and affordable data storage services for the local legal and dispute resolution sectors. Would the Government inform this Committee of the following:

1. the latest number of registered users and usage rate of the Hong Kong Legal Cloud; and
2. Comparing the setup cost, initial operational and promotion costs of the Hong Kong Legal Cloud to the number of its registered users and usage rate, whether the costs and benefits are directly proportional. If yes, what are the details of the expenditure? If not, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 25)

Reply:

1. In March 2022, the Government utilised the remaining funds from the LawTech Fund established in 2020 to set up the Hong Kong Legal Cloud Fund (Cloud Fund) for subsidising eligible local legal and dispute resolution professionals to subscribe to the Hong Kong Legal Cloud services free of charge for 3 years.

The eBRAM International Online Dispute Resolution Centre (eBRAM) has been selected as the cloud service provider to provide safe, secure and affordable data storage services for the local legal sector. The categories of subsidised subscribers have been expanded since March 2023 to include solicitors and trainee solicitors, barristers and pupil barristers, arbitrators and

mediators, as well as full-time or part-time students studying Postgraduate Certificate in Laws programmes.

According to the statistics provided by eBRAM, there were a total of 2 187 subscribers to the Hong Kong Legal Cloud services as at the end of February 2024.

2. The Cloud Fund, administered by the Asian Academy of International Law on a pro bono basis, has been used to finance the setup cost, initial operational and promotion costs through disbursement of the actual subscription fees of eligible subscribers to the service provider. In other words, the amount disbursed under the Cloud Fund is calculated based on the actual number of eligible subscribers to the Hong Kong Legal Cloud services. As at the end of February 2024, about \$7 million was disbursed under the Cloud Fund.

The legal and dispute resolution sectors are encouraged to subscribe to the Hong Kong Legal Cloud services through the Cloud Fund, and to enhance their competitiveness through the use and application of LawTech, thereby consolidating Hong Kong's status as an international legal and dispute resolution services centre in the Asia-Pacific Region.

- End -

CONTROLLING OFFICER'S REPLY

SJ006

(Question Serial No. 3230)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Please set out the numbers of proceedings with regard to litigation, arbitration or mediation respectively, brought by the Government in 2022 and 2023; and the respective monetary amounts involved, including the amounts claimed by and eventually awarded to the Government in such proceedings.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 7)

Reply:

The numbers of civil litigation cases brought by the Department of Justice (DoJ) on behalf of the Government in 2022 and 2023 were 1 619 and 1 807 respectively. According to record, there were no arbitration or mediation proceedings brought by the Government in those 2 years. Nonetheless, the DoJ has all along promoted and facilitated the use of arbitration and mediation to resolve disputes, and will resolve disputes effectively through arbitration and mediation in suitable proceedings involving the Government.

As regards the monetary amounts involved in such cases, the DoJ does not maintain the relevant information. The circumstances of claims vary from case to case; some may involve unliquidated damages, while some may settle eventually without the need for the court to assess the amounts of damages. In addition, the amounts of claims are subject to change depending on the litigation progress of each individual case.

- End -

CONTROLLING OFFICER'S REPLY

SJ007

(Question Serial No. 3231)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Please set out the numbers of proceedings brought by the Government in 2022 and 2023 in respect of delays in construction works, the monetary amount involved and lengths of the delays.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 8)

Reply:

Civil claims for damages arising from disputes over public works contracts involving government departments are normally handled by the Legal Advisory Division (Works) (LAD(W)) under the Works Branch of the Development Bureau. According to the records of the Department of Justice and the LAD(W), the proceedings brought by the Government in 2022 and 2023 did not involve delays in construction works.

- End -

CONTROLLING OFFICER'S REPLY

SJ008

(Question Serial No. 3232)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

With regard to the provision of legal advice on legal matters by this Division, please give an account of the advice provided for government departments in 2022 and 2023 on promoting the use of arbitration or mediation in Hong Kong to resolve legal disputes; and the advice anticipated to be provided for government departments in 2024 on promoting the use of arbitration or mediation in Hong Kong to resolve legal disputes.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 9)

Reply:

In the past 2 years and in 2024-2025, the Department of Justice (DoJ) continued and will continue to proactively promote the arbitration and mediation services of Hong Kong. The measures to promote the use of Hong Kong's arbitration or mediation services by government departments include the following:

(i) The DoJ, in accordance with the operational needs of the Constitutional and Mainland Affairs Bureau and the Information Services Department, introduces from time to time Hong Kong's dispute resolution services, strengths in arbitration, current policy measures, arbitration activities organised/supported by the DoJ, etc. to its personnel stationed outside Hong Kong. This is to enable government officials to grasp the latest developments of Hong Kong's dispute resolution services, so that they can help promote Hong Kong's dispute resolution services and tell the world the good stories of Hong Kong's rule of law while working overseas. The DoJ conducted a total of 7 briefings for this purpose between 2022 and 2024.

(ii) It is mentioned in the policy initiatives of the DoJ in Chief Executive's 2023 Policy Address that the Government will enhance the local mediation system by, for instance, strengthening the regulatory system on accreditation and disciplinary matters of the Hong Kong mediation profession. The Government will also take the lead in incorporating

standard mediation clauses in government contracts, with a view to promoting mediation culture in government departments and encouraging private organisations to follow suit.

(iii) Apart from proactively promoting the use of mediation among all sectors of the community, the DoJ has been committed to promoting mediation culture to various government departments. Every year, the DoJ assists the Food and Environmental Hygiene Department (FEHD) in organising a training course on “Public Liability and General Mediation”. With a view to encouraging government departments to first consider using mediation to resolve disputes as far as practicable and appropriate, the DoJ provides briefing in the course to FEHD staff on important issues under the Mediation Ordinance and the Apology Ordinance and shares the experience gained from representing government departments in mediation and relevant practical experience.

(iv) The DoJ also encourages its staff to participate in seminars or training courses related to arbitration and mediation, with the aim of enhancing the understanding of arbitration and mediation by government officials and enriching the knowledge of its staff on the use of mediation skills in resolving different disputes. In this connection, the DoJ has subsidised a total of 331 Government Counsel and 17 Law Clerks between 2022 and 2024 for attending relevant seminars or training courses organised by the sector. Moreover, the DoJ conducted a total of 3 internal briefing sessions on arbitration and mediation for Government Counsel between 2022 and 2024, attracting 163 participants.

(v) The DoJ is currently updating the existing Mediation Handbook for Government administrators, with a view to further enhancing the promotion of “Mediate First” culture within the Government.

- End -

CONTROLLING OFFICER'S REPLY

SJ009

(Question Serial No. 3233)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the establishment and implementation of the Guangdong-Hong Kong-Macao Greater Bay Area mediation platform under Matters Requiring Special Attention in 2024-25, what policies does the Government have in encouraging and assisting the relevant professional sectors in Hong Kong, and what resources have been and will be allocated?

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 10)

Reply:

The Guangdong-Hong Kong-Macao Greater Bay Area (GBA) mediation platform was endorsed and established at the GBA Legal Departments Joint Conference (Joint Conference) in December 2020. The legal departments of the three governments of Guangdong, Hong Kong and Macao jointly promote the extensive use of mediation in resolving disputes in the GBA. As an authoritative platform for high-level exchange and co-operation among the legal departments of the three governments in the GBA to promote mediation work, the GBA mediation platform sets mediation standards, but does not serve as a mediation service provider in the GBA.

The platform promulgated and in 2021 endorsed the GBA Mediator Accreditation Standards and the GBA Mediator Code of Conduct Best Practice. It also endorsed the GBA Cross-Boundary Disputes Mediation Model Rules in 2022 (https://www.doj.gov.hk/en/legal_dispute/mediation.html). The various mediation standards promulgated by the GBA mediation platform, which set out the fundamental principles and best practices applicable to the GBA for guidance purpose, will be voluntarily adopted and widely used by mediation institutions in the GBA.

At the Joint Conference meeting in December 2023, the legal departments of the GBA endorsed that the local rules implementing the GBA Mediator Accreditation Standards would be formulated and promulgated by the three places respectively. The Department of Justice (DoJ) is carrying out preparatory work for promulgating the implementation details of the local rules and for facilitating the three places to establish their own panel of qualified GBA mediators.

Moreover, in order to encourage and assist Hong Kong mediators in qualifying as GBA mediators, the DoJ is preparing to organise GBA mediator training courses in Hong Kong, which are tentatively scheduled to be held in the third quarter of 2024.

All expenses related to the establishment and implementation of the GBA mediation platform will continue to be absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ010

(Question Serial No. 3234)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in paragraph 171 of the Budget Speech that with the staunch support from the Central Government, the International Organization for Mediation (IOMed), upon establishment, will have its headquarters hosted in Hong Kong. The IOMed, specialising in resolving international disputes by means of mediation, will be the first international inter-governmental organisation to set up headquarters in Hong Kong. In this connection, what are the policies and resources to be allocated to support the daily operation of the headquarters of the IOMed and promote the IOMed among the international community, including organising international conferences and exchange activities?

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 11)

Reply:

Since its inauguration ceremony on 16 February 2023, the International Organization for Mediation (IOMed) Preparatory Office (Preparatory Office) has successfully held 3 rounds of negotiations for the Convention on the Establishment of the International Organization for Mediation (IOMed Convention) in Hong Kong. On 30 November 2023, in accordance with relevant procedures, China submitted to the Preparatory Office an expression of interest for hosting the headquarters of the IOMed in Hong Kong, in which the Old Wan Chai Police Station was identified as the site for hosting the headquarters. At the third round of negotiation held in early 2024, it was unanimously agreed that upon the establishment of the IOMed, China would be the host country of its headquarters, and the headquarters of the IOMed would be located in the Hong Kong Special Administrative Region (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 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 Central People's Government.

After the signing of the IOMed Convention, it is expected that the IOMed Preparatory Office or the IOMed to be established later will organise large-scale promotional activities, including the signing ceremony of the Convention and meetings for promoting the Convention, and

related rules/regulations, etc. It is expected that other regular activities and promotional campaigns will be organised for promoting the Convention and the headquarters of the IOMed to be hosted in the HKSAR. It is expected that the HKSAR Government will provide relevant support and such work can attract disputing parties and professionals, such as mediators and lawyers, to choose Hong Kong for conducting mediation.

To address the increase in workload for supporting the IOMed and related work, the Department of Justice (DoJ) has proposed to create in the International Law Division 1 permanent post of Deputy Principal Government Counsel, and the additional annual salary cost of the post is \$2,408,000. The DoJ will also create 2 permanent Senior Government Counsel posts and 1 permanent Personal Secretary I post to strengthen support at non-directorate level, and the additional annual salary cost of the newly created non-directorate posts is \$3,691,000.

- End -

CONTROLLING OFFICER'S REPLY

SJ011

(Question Serial No. 3235)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

As the legislation of Article 23 of the Basic Law (the Safeguarding National Security Ordinance) is coming to a close, what are the estimated provisions for the publicity for the legislation, training activities, and meetings or seminars to be organised, etc., for promoting the understanding of the legislation among the international community and Hong Kong people, and better implementation of the legislation?

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 12)

Reply:

The Safeguarding National Security Bill was passed after the third reading by the Legislative Council on 19 March 2024. In addition to explaining and promoting the Safeguarding National Security Ordinance to the local and international communities in collaboration with relevant bureaux, the Department of Justice (DoJ) will also enhance the understanding of the legislation among the public and different sectors of the community through various channels in a timely manner. Such work will be absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ012

(Question Serial No. 1371)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The work of the International Law Division (ILD) of the Department of Justice (DoJ) is of great importance in maintaining the Hong Kong Special Administrative Region as an international centre of finance, trade and commerce, a transport and communications hub as well as a centre for international legal and dispute resolution services in the region, and in making significant contribution to such policy initiatives.

Would the Government inform this Committee of the following:

1- What are the numbers, dates, themes, numbers of representatives sent and outcomes (if any) of the activities of international organisations (such as the Hague Conference on Private International Law, the United Nations Commission on International Trade Law and the Asia-Pacific Economic Cooperation) attended by the ILD of the DoJ in 2023-24?

2- Will the ILD of the DoJ consider maintaining close collaboration with legal professional organisations in Hong Kong to jointly promote international legal exchanges and co-operation?

Asked by: Hon HO Kwan-yiu, Junius (LegCo internal reference no.: 1)

Reply:

1 & 2

In a bid to raise Hong Kong's international profile and endeavour to promote Hong Kong's international legal and dispute resolution services, the International Law Division (ILD) of the Department of Justice (DoJ) has been proactively promoting international exchanges and co-operation, and participating in relevant activities.

In 2023-24, the ILD of the DoJ co-organised a number of activities with international organisations and supported their activities held in Hong Kong, which include:

	Date	Activity	Theme of the activity	Achievement
1	11 to 14 September 2023	The Hague Conference on Private International Law (HCCH) Asia Pacific Week 2023 (the Asia Pacific Week)	“Access to Justice and Sustainable Development: The Impact of the HCCH in an Inter-Connected World”	The Asia Pacific Week provided a platform for the exchange of ideas and viewpoints from across Asia and the Pacific. Discussion topics included the latest developments of the major conventions of the HCCH and its key projects. The event featured speakers from around 20 jurisdictions and was attended in person by more than 300 participants, including local and overseas government officials, legal experts and practitioners, together with online participants from around the world.
2	6 and 7 November 2023	The 5th United Nations Commission on International Trade Law (UNCITRAL) Asia Pacific Judicial Summit Judicial Conference and Judicial Roundtable	Session (1): United Nations Convention on the International Effects of Judicial Sales of Ships (the Beijing Convention); Session (2): UNCITRAL Texts on MSMEs ; Session (3): UNCITRAL’s Recent Work on Dispute Resolution (Digital Economy, Insolvency and Climate Change); Session (4): UNCITRAL’s Work on Digital Economy and Trade	The Asia Pacific Judicial Summit Judicial Conference and Judicial Roundtable signifies Hong Kong’s status as an international legal hub for legal, deal making and dispute resolution services. As part of the Hong Kong Legal Week 2023, the Summit attracted a record high of more than 750 online and in-person participants from over 50 jurisdictions. Among them, around 50 judges and officials from 22 jurisdictions in the region (including ASEAN member states, Middle East and Central Asian countries, and Pacific Island countries) attended the event in person. With the support of the Asian Development Bank, this was also the first time simultaneous interpretation in the language of Timor-Leste was provided, showcasing the importance of this capacity building event for participants from the region.
3	7 November 2023	Legal Forum on Interconnectivity and Development (the Legal Forum)	Session (1): Legal Safeguards for High-Quality Development under the Belt and Road Initiative; Session (2): Legal instruments in	Being the first large-scale legal forum co-organised with the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region, the Legal Forum attracted the in-person and online attendance by more than 700 judges, academics, government

	Date	Activity	Theme of the activity	Achievement
			addressing external challenges	officials and other legal professionals from over 50 jurisdictions, including Belt and Road countries such as Saudi Arabia, Pakistan, and Cambodia.
4	5 to 6 December 2023	The 3rd Asian-African Legal Consultative Organization (AALCO) Annual Arbitration Forum (the Forum)	Resolving Differences in a Changing World by Staying True to the Bandung Spirit	The Forum was held in Hong Kong for the first time with attendance by diplomats and financial leaders from 47 member states of the AALCO, and delegations of governments and international organisations from various countries around the world. Discussions on various international legal topics were held. The Forum was attended by over 4 000 participants in-person and online.
5	11 to 15 December 2023	The Hague Academy of International Law's Advanced Course in Hong Kong	Current Trends on International Commercial and Investment Dispute Settlement	The First Edition of The Hague Academy of International Law's Advanced Course in Hong Kong was successfully held, attracting over 40 participants from 20 countries and regions, to attend in person, including academics, judges, government officials and legal practitioners.

In addition, Government Counsel of the ILD regularly attend conferences and activities of various international organisations (such as the HCCH, UNCITRAL and the Asia-Pacific Economic Cooperation (APEC)). In 2023-24, ILD counsel attended in person or online a number of conferences and activities held in other countries or regions, including conferences and workshops held by APEC in June, August, October, November and December 2023, and January and March 2024 respectively; the meeting of the Asia/Pacific Group on Money Laundering and the 56th UNCITRAL session in July 2023; meetings of the Financial Action Task Force in June, September and October 2023; the signing ceremony of the Beijing Convention and the related international seminar in September 2023; the 61st AALCO Annual Session and the 8th Meeting of the HCCH Special Commission in October 2023; and the 46th session of UNCITRAL Working Group III in October 2023.

The DoJ will continue to support or organise various activities and courses this year to further raise the international profile of Hong Kong. Government officials, judges, academics, legal and other professionals and bodies, from local and overseas, will also be invited to attend or speak at the activities organised/co-organised by the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ013

(Question Serial No. 1372)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The Hong Kong Special Administrative Region practises common law under “one country, two systems”, playing a unique role in the context of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and the Belt and Road (B&R) Initiative. The Civil Division of the Department of Justice (DoJ) promotes and develops the dispute resolution services of Hong Kong in the context of the GBA and the B&R Initiative. In this connection, would the Government inform this Committee of:

- 1- the work undertaken by the DoJ to promote and develop the dispute resolution services of Hong Kong in 2023-2024; and
- 2- whether the Government has considered establishing a “one-stop” dispute resolution centre to facilitate stakeholders from the GBA and B&R countries to resolve their disputes expeditiously in Hong Kong and the provision of such services by legal practitioners?

Asked by: Hon HO Kwan-yiu, Junius (LegCo internal reference no.: 2)

Reply:

1. To strengthen Hong Kong’s position as an international legal and dispute resolution services centre in the Asia-Pacific region established under the National 14th Five-Year Plan and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (the Outline Development Plan), the Department of Justice (DoJ) has actively aligned with and vigorously participated in the development of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and the Belt and Road (B&R) Initiative. In this connection, the DoJ has promoted and developed the dispute resolution services of Hong Kong in 2023-24 through a variety of measures, activities and new initiatives, which mainly include:

I. Consolidating legal infrastructure

The DoJ has actively optimised Hong Kong’s legal framework for the legal profession to develop quality and diversified professional services under a sound legal system that aligns with international standards. As regards the establishment and enhancement of mechanisms

for mutual legal assistance in civil and commercial matters between Hong Kong and the Mainland, the two places have so far concluded 9 arrangements on mutual legal assistance in civil and commercial matters, covering procedural assistance, arbitration matters, and reciprocal recognition and enforcement of judgments relating to bankruptcy or winding-up proceedings and other civil and commercial matters. The new mechanism on reciprocal enforcement of civil and commercial judgments between the two places came into operation on 29 January 2024. Meanwhile, the DoJ will actively explore enhancement of the existing mechanisms, including the arrangement on service of judicial documents, to increase the efficiency of service and provide legal protection and greater facilitation for cross-boundary civil and commercial activities.

II. Interfacing legal rules

The GBA mediation platform was endorsed and established at the GBA Legal Departments Joint Conference held in December 2020. The legal departments of the three governments, with their joint efforts, promote the extensive use of mediation in the GBA. The platform promulgated and endorsed the GBA Mediator Accreditation Standards and the GBA Mediator Code of Conduct Best Practice in 2021, and endorsed the GBA Cross- Boundary Disputes Mediation Model Rules in 2022. It was also endorsed at the GBA Legal Departments Joint Conference held in December 2023 that the local rules for implementing the GBA Mediator Accreditation Standards would be promulgated and issued by the three places in the first quarter of 2024. Preparatory work for facilitating the three places to establish their own panel of qualified GBA mediators is also underway. The DoJ will continue to take forward the promulgation and implementation of the relevant unified model rules under the GBA mediation platform, so as to facilitate the further development of the sector and promote mediation services in the GBA.

III. Promoting dispute resolution services of Hong Kong

External promotional activities (in countries along the B&R, among others)

- (i) Co-organising with the Vis East Moot Foundation Limited the Vis East International Commercial Arbitration Moot in March 2023 and March 2024 respectively to foster research in international commercial arbitration and to nurture professionals in international commercial arbitration. This year, contestants and arbitrators from around the world were brought together to the Moot to further promote international and Hong Kong-seated arbitration services;
- (ii) Co-organising with the Hong Kong Trade Development Council (HKTDC) a large-scale outreach promotional event entitled “Resolve2Win Campaign”, and promoting Hong Kong’s dispute resolution services in Bangkok, Thailand in March 2023;
- (iii) Co-organising with the HKTDC a thematic breakout session on dispute resolution at the B&R Summit in October 2023 to promote to participants from around the globe the strengths of and opportunities for Hong Kong in resolving B&R-related disputes;
- (iv) Co-organising with the HKTDC a thematic breakout session on dispute resolution at the Business of Intellectual Property Asia Forum in December 2023, where world-renowned experts are invited to explore the latest developments and dispute resolution

related issues concerning intellectual property, and promoting the “Mediate First” Pledge Event and the strengths of Hong Kong in resolving intellectual property disputes in the international arena and the GBA;

- (v) The Deputy Secretary for Justice (Deputy SJ) leading a delegation comprising representatives from the Hong Kong legal sector, to visit Saudi Arabia in early March 2024 and participate in the activities of the Riyadh International Disputes Week, including supporting the thematic seminar organised by the Hong Kong International Arbitration Centre, so as to promote Hong Kong’s legal and dispute resolution services to the local and international legal communities;
- (vi) Supporting the hosting of the International Council for Commercial Arbitration (ICCA) Congress in Hong Kong in May 2024 by the Hong Kong International Arbitration Centre. As the largest regular international arbitration conference of its kind worldwide, the ICCA Congress is known for its major contribution to international dispute resolution and will attract experts from the global arbitration community to Hong Kong, with a view to consolidating Hong Kong’s leading position as a centre for international legal and dispute resolution services in the Asia-Pacific Region and beyond;

Promotional activities for Mainland Enterprises

- (vii) The Secretary for Justice (SJ) leading a delegation comprising representatives from the 2 legal professional bodies and the Intellectual Property Department to visit Guangzhou and Shenzhen in June 2023 for the purposes of understanding the latest development of the courts and arbitral institutions in the Mainland, and the research and development and application of innovative technology; exchanging views on taking forward the work of the working group on Guangdong-Hong Kong co-operation on legal and dispute resolution services, the GBA Legal Departments Joint Conference and the pilot scheme for GBA lawyers’ practice; and conducting thematic exchanges on issues of interest to the Mainland and Hong Kong legal sectors such as intellectual property laws of both places, the implementation of the measure of “allowing Hong Kong-invested enterprises to adopt Hong Kong law” and the proof of Hong Kong law in Hong Kong-related cases;
- (viii) Co-organising with the HKTDC the “Sixth Hong Kong Legal Services Forum” under the theme of “Sichuan, Chongqing and Hong Kong Join Hands for a Brighter Future” in Chengdu in August 2023 to promote Hong Kong’s legal and dispute resolution services to Mainland enterprises;
- (ix) The SJ together with the Hong Kong legal and dispute resolution sector attending the second seminar on the legal challenges and coping strategies under the B&R Initiative hosted by the State-owned Assets Supervision and Administration Commission of the State Council and co-organised by the Ministry of Commerce and the DoJ in Beijing in August 2023;
- (x) The Deputy SJ leading a group of young solicitors and barristers, and law students to visit Huizhou, Shenzhen and Foshan in the GBA in September and November 2023, to further promote business collaboration between the legal sectors in both places;

- (xi) The Deputy SJ leading a delegation comprising representatives from the Hong Kong Bar Association, the Law Society of Hong Kong and the legal sector to attend a seminar in Hainan in September 2023 to promote the unique advantages of Hong Kong’s legal and dispute resolution services to around 280 attendees, including representatives from Mainland enterprises and the legal sector, reinforcing the co-operation between Hainan and Hong Kong;

Regular events

- (xii) Organising the biennial “Mediate First” Pledge Event in May 2023 with the aim of encouraging all sectors of the community to explore the use of mediation to resolve disputes before resorting to other means of dispute resolution or litigation. The “Mediate First” Pledge Event 2023 was held under the theme of “Mediate First-Let’s Do This Together”. A drama was staged and a diversity of speakers from different sectors were invited to discuss the use of mediation for resolving various disputes. Held at the Hong Kong Convention and Exhibition Centre in a hybrid mode, the event concluded with a Signing Ceremony of the “Mediate First” Pledge and the Star Logo Award Ceremony. So far, 857 companies, organisations/associations and individuals have signed the pledge;
- (xiii) Co-organising with the International Court of Arbitration of the International Chamber of Commerce a seminar on the “Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region” (the Arrangement) in June 2023 and co-organising with the Supreme People’s Court a seminar on the Arrangement in October 2023 to discuss the benefits and changes brought to arbitration users following the implementation of the Arrangement, facilitate the sharing of practical experience among participants from various sectors, and provide a way forward for the future development of mutual assistance between the Mainland and Hong Kong in arbitration matters;
- (xiv) Organising the Mediation Essay Competition 2023 under the theme “Mediation: Fostering School-Family-Community Partnerships” which was open for application from September 2023 to February 2024. Through the competition, students gained an insight into how the good use of mediation could resolve conflicts amicably and facilitate collaboration among schools, families, and the community. 376 entries were received in total. The result of the competition was announced in March 2024, and the Prize Presentation Ceremony of the competition and the School Mediation Seminar are tentatively scheduled in May 2024 during the Mediation Week 2024;
- (xv) Organising the annual flagship event, the Hong Kong Legal Week, under the theme “Onward & Forward: Connecting the World” in November 2023 to explore a series of important topics on legal and dispute resolution, including international legal co-operation, mediation, arbitration, development opportunities in the GBA, maintaining and promoting the rule of law in Hong Kong, etc., so as to consolidate Hong Kong’s position as an international legal and dispute resolution services centre in the Asia-Pacific region. During the Hong Kong Mediation Lecture 2023 held on 8 November, the Director-General of the International Organization for Mediation Preparatory Office conducted a sharing session on “Resolving International Disputes

Through Mediation-Where We Stand, Challenges and Opportunities Ahead”, for deepening the exchanges between Hong Kong and international mediation sectors; and

Other events

(xvi) Other promotional activities organised, co-organised or supported by the DoJ include the Seminar on Cross-boundary Family Mediation, seminars on the outcome related fee structures for arbitration, and a seminar on the new mechanism for reciprocal enforcement of judgments in civil and commercial matters between the Mainland and Hong Kong.

2. The DoJ has been actively promoting the unique strengths of Hong Kong’s legal services and deepening the co-operation arrangements with the Mainland, thereby capitalising 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 and the Outline Development Plan, and aligning further with the B&R Initiative.

As mentioned in the 2023 Policy Address, the DoJ will work with the Supreme People’s Court on the establishment of a high-level standing interfacing platform to enhance the institutional communication and collaboration with relevant Mainland authorities. Regarding dispute resolution services in the GBA, the DoJ put forward the proposal to develop an online dispute resolution platform in the GBA at the fifth GBA Legal Departments Joint Conference. At the meeting, the three parties supported the DoJ’s proposal to jointly develop an online dispute resolution platform. Starting with the sharing of information and resources among arbitration and mediation institutions in the GBA, the parties will work together to promote the development of a common online dispute resolution platform in the GBA, aiming to facilitate the sharing of legal resources and the interface and application of rules in the cities in the GBA, and to align with the 14th Five-Year Plan to fully realise the digitalisation of the modes of dispute resolution for enhancing diversified dispute resolution mechanisms such as arbitration and mediation in the GBA.

Meanwhile, the DoJ is actively seeking to extend the existing measure of “allowing Hong Kong-invested enterprises to adopt Hong Kong law” from Qianhai, Shenzhen to the entire GBA, to allow any parties to civil and commercial contracts with Hong Kong-invested enterprises as the parties to freely agree on choosing Hong Kong law as the applicable law for their contracts; and seeking to extend the measure of “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong” from Pilot Free Trade Zones to the whole GBA, so as to allow Hong Kong-invested enterprises to choose Hong Kong as the seat of arbitration in the absence of “foreign-related elements”.

Furthermore, the DoJ will make full use of the existing mechanisms, including the GBA Task Force and the GBA Legal Departments Joint Conference, to integrate the measures on promoting the construction of the rule of law in the GBA more efficiently, and to take forward the establishment of a GBA legal information platform for integrating information on legal and dispute resolution services in the GBA, so as to enhance the exchange and transparency of information within the region.

The DoJ will continue to take into account stakeholders’ views while supporting and promoting Hong Kong’s legal and dispute resolution services.

- End -

CONTROLLING OFFICER'S REPLY

SJ014

(Question Serial No. 2618)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in the Budget that the Department of Justice will set up a dedicated organisation to take forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy). In this connection, would the Government advise on the following:

- (1) Is there any specific implementation timetable for the above initiative? Would the Government provide the estimated expenditure for establishing the dedicated organisation and the Academy?
- (2) Has the Government set any admission indicators for each intake? If yes, please advise on the figures.
- (3) It is mentioned in the Budget that the Academy aims to nurture legal talent with an international perspective and good knowledge of different legal systems. How many legal systems will be covered by the training courses offered by the Academy?

Asked by: Hon KONG Yuk-foon, Doreen (LegCo internal reference no.: 36)

Reply:

At present, the Department of Justice (DoJ) has set up an internal working group responsible for taking forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy) and related work. The Chief Executive's 2023 Policy Address mentions that, within 2024, the DoJ will set up a dedicated office and an expert committee comprising experts and academics at home and abroad to help plan the work of taking forward the establishment of the Academy and set out a clear and detailed long-term road map for the Academy.

Currently, the DoJ organises training, seminars and exchange activities in collaboration with Mainland and Macao institutions and international organisations, and also organises programmes for law students and young legal talents. The Academy will plan, organise and launch training programmes focusing on legal practices and procedures based on the existing

training and capacity building programmes of the DoJ. Building on the existing capacity building programmes, the Academy will nurture relevant talents through organising regular legal training, seminars and international exchange activities, etc.

To take forward the establishment of the Academy, the DoJ proposed to create 1 time-limited supernumerary post of Assistant Principal Government Counsel (DL1)/DL1-equivalent non-civil service position for a period of 5 years. The additional annual salary cost of the post is \$2,028,000. The full annual average staff cost, including salaries and staff on-cost, is \$2,550,000.

The DoJ also plans to create 3 time-limited posts, namely 1 Senior Government Counsel post, 1 Government Counsel post and 1 Law Clerk post, each for a period of 5 years, to strengthen support at non-directorate level. The additional annual salary cost of the newly created non-directorate posts is \$3,207,000. The full annual average staff cost, including salaries and staff on-cost, is \$4,146,000.

- End -

CONTROLLING OFFICER'S REPLY**SJ015****(Question Serial No. 0149)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

In order to strengthen the capability of combatting technology crimes, the Department of Justice proposed to establish a new Technology Crime Sub-division under the Prosecutions Division last year to combat increasingly frequent and sophisticated technology crimes. In this connection, would the Government inform this Committee of:

- (1) the estimated expenditure on emoluments and total estimated expenditure of the Technology Crime Sub-division in 2024-25;
- (2) the establishment and strength by grade in the Technology Crime Sub-division in 2024-25;
- (3) the numbers of technology crime cases reported, the amounts of financial loss, and numbers of persons charged in the past 5 years; and
- (4) the breakdown of technology crime cases reported in each of the past 5 years?

Asked by: Hon LAI Tung-kwok (LegCo internal reference no.: 36)Reply:

- (1) In 2024-25, the notional annual salary cost at mid-point of the establishment of the Technology Crime Sub-division is \$19,836,360. Other expenditure incurred by the Sub-division cannot be separately identified.
- (2) The establishment and strength by grade in the Technology Crime Sub-division in 2024-25 are tabulated below:

Grade	Establishment	Strength (as at 1 March 2024)
Government Counsel	12	11
Non-government lawyer	2	2

(3) According to the information provided by the Hong Kong Police Force (HKPF), the numbers of technology crime cases reported and the amounts of financial loss in the past 5 years are as follows:

Year	Number of technology crime cases reported to the HKPF	Amount of financial loss (\$ million)
2019	8 322	2,907
2020	12 916	2,964
2021	16 159	3,024
2022	22 797	3,215
2023	34 112	5,497

The HKPF does not maintain the numbers of persons charged in technology crime cases in the past 5 years.

(4) According to the information provided by the HKPF, the breakdown of technology crime cases reported in each of the past 5 years is as follows:

Year	2019	2020	2021	2022	2023
Internet deception	5 157	10 716	13 859	19 599	27 314
<i>Online business fraud</i>	2 317	6 941	6 491	9 279	9 883
<i>Miscellaneous fraud (e.g. employment fraud and investment fraud)</i>	343	1 020	3 094	6 317	9 513
<i>Social media deception</i>	1 678	1 988	3 638	3 605	3 372
<i>Email scam</i>	816	767	549	391	208
<i>E-banking fraud</i>	3	0	87	7	16
<i>Phishing scam (Note)</i>	-	-	-	-	4 322
Internet blackmail	300	1 144	1 317	1 557	2 428
Misuse of computer	71	111	142	192	3 471
Others	2 794	945	841	1 449	899
Total	8 322	12 916	16 159	22 797	34 112

Note: Phishing scam is a new sub-category of technology crime cases introduced by the HKPF since 2023.

- End -

CONTROLLING OFFICER'S REPLY

SJ016

(Question Serial No. 2694)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Some criminal cases are briefed out to members of the Bar and solicitors in private practice. In this connection, would the Government advise this Committee on:

1. the total expenditure involved in the 1 286 cases conducted by Counsel instructed to prosecute in all courts in 2023; and
2. the estimated expenditure on instructing Counsel to conduct prosecutions in 2024?

Asked by: Hon LAM San-keung (LegCo internal reference no.: 18)

Reply:

The total briefing-out expenditure in relation to criminal cases for 2022-23 was \$120 million. The revised estimate for briefing-out expenditure for 2023-24 is also \$120 million, while the total expenditure is pending confirmation. The estimated briefing-out expenditure for 2024-25 is \$140 million.

- End -

CONTROLLING OFFICER'S REPLY

SJ017

(Question Serial No. 2695)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The Civil Division (CD) provides legal advice and various legal services on civil and commercial law matters to other government departments, whose businesses involve various expertise. In this connection, would the Government inform this Committee of the following:

1. Did the CD brief out any legal work due to heavy workload or a lack of legal talents in specific areas of expertise in 2023? If yes, what was the expenditure involved?
2. If the answer is affirmative, are there any statistics on the nature and areas of the briefed out work?

Asked by: Hon LAM San-keung (LegCo internal reference no.: 19)

Reply:

1. The Department of Justice (DoJ) engages solicitors or barristers in private practice to provide assistance in handling cases, mainly for meeting operational needs. Generally speaking, the Civil Division (CD) may brief out cases where:
 - (i) there is a need for expert assistance where the requisite skill is not available in the DoJ;
 - (ii) there is no suitable in-house counsel to appear in court for the Hong Kong Special Administrative Region;
 - (iii) the size, complexity, quantum and length of a case so dictate;
 - (iv) it is deemed appropriate to obtain independent outside counsel's legal advice or services so as to address possible perception of bias or issues of conflict of interest;
 - (v) there is a need for continuity or economy; and
 - (vi) there is a need for legal advice or legal proceedings in respect of cases involving members of the DoJ.

In 2022-23, the briefing-out expenditure of the CD totalled \$49,777,226.

2. The briefed out work mainly involved engaging solicitors or barristers in private practice in dispute resolution (including litigation, arbitration and mediation) and hearings, and seeking independent legal advice. We do not maintain any statistics on the nature and areas of the briefed out work.

- End -

CONTROLLING OFFICER'S REPLY

SJ018

(Question Serial No. 0541)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

According to the 2023 Policy Address and the Budget, the Government plans to establish the Hong Kong International Legal Talents Training Academy to nurture legal talents with an international perspective and good knowledge of different legal systems, highlighting the importance it attaches to the nurture of legal talents.

The Guangdong-Hong Kong-Macao Greater Bay Area Legal Professional Examination was introduced earlier in the Mainland. Hong Kong lawyers who meet the required post-qualification experience can sit the examination without the need to complete any Mainland law programmes. However, an academic qualification in common law is a prerequisite for taking the course for professional practice under the common law system in Hong Kong (namely the Postgraduate Certificate in Laws). Hong Kong students with an academic background in Mainland laws and qualifications for legal practice in the Mainland who aspire to achieve a common law qualification are subject to limited options and high costs of study. Will the Government inform this Committee whether it has considered to introduce any talent programmes to help these Hong Kong students to fulfil their aspirations?

Asked by: Hon LAM So-wai (LegCo internal reference no.: 35)

Reply:

Hong Kong students with an academic background in Mainland laws and qualifications for legal practice in the Mainland may apply for registration as foreign (including Mainland) lawyers¹ to advise on matters relating to Mainland laws in Hong Kong.

Besides, they may practise law in Hong Kong as Hong Kong qualified lawyers after passing or obtaining exemption from sitting the Overseas Lawyers Qualification Examination administered by The Law Society of Hong Kong (the Law Society) and upon compliance with other relevant requirements under the Legal Practitioners Ordinance (Cap. 159).

We consider that ample room for development has been provided for these lawyers under the current regulatory framework. As the Hong Kong legal sector adopts a self-regulatory regime, the 2 legal professional bodies, namely the Law Society and the Hong Kong Bar

Association (HKBA), must be engaged in the discussion on whether and how to provide greater facilitation for these lawyers. If amendments to the existing ordinances, such as the Foreign Lawyers Registration Rules (Cap. 159S), are involved, they must be examined carefully. We will continue to monitor the latest development of the legal market and maintain close communication with various stakeholders, while listening to the views of different parties and relaying the same to the 2 legal professional bodies in a timely manner.

In addition, the Department of Justice, the HKBA, the Law Society, law schools and local and international law firms regularly provide career information on the legal profession in Hong Kong through diversified channels, such as organising open days or information days, participating in local law fairs and talks, or disseminating relevant information on the internet and social media. Furthermore, sharing and exchange sessions by government counsel, solicitors and counsel in private practice, and appropriate internships and exchange activities are arranged for students (including Hong Kong students in the Mainland), to provide them with more opportunities to learn about the Hong Kong legal sector and its latest developments, thereby encouraging them to pursue a legal career in Hong Kong.

¹ According to section 2(1) of the Legal Practitioners Ordinance (Cap. 159), “*foreign lawyer (外地律師)* means a person registered as a foreign lawyer under Part IIIA”. Section 39A(1) of Part IIIA of Cap. 159 provides that the Law Society of Hong Kong may register as a foreign lawyer a person who, not being a solicitor who holds a practising certificate or a barrister who holds a practising certificate, is qualified to practise foreign law. The definition of “*foreign lawyer*” in Cap. 159 would therefore cover Mainland lawyers practising Mainland law in Hong Kong.

- End -

CONTROLLING OFFICER'S REPLY**SJ019****(Question Serial No. 0218)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (3) Constitutional and Policy AffairsControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

- For each of the past 3 years, what were the numbers of bureaux and departments for which the Department of Justice (DoJ) provided legal advice on the Basic Law in relation to their legislative or policy proposals and what were the numbers of these legislative or policy proposals?
- For each of the past 3 years, how many events on enhancing public knowledge of the Basic Law were organised by the DoJ or attended by its representatives? Please provide the ranks of these representatives and the names of the organisers and events.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 5)Reply:

- The Department of Justice (DoJ) provides legal advice on Basic Law provisions to bureaux and departments in relation to their legislative or policy proposals to ensure consistency with the Basic Law, and assists the Hong Kong Special Administrative Region (HKSAR) Government in Basic Law-related litigation. The numbers of pieces of legal advice provided by the DoJ on the Basic Law from 2021 to 2023 were as follows:

Pieces of legal advice on the Basic Law provided in the past 3 years		
1.	2021	1 196
2.	2022	1 539
3.	2023	1 028

- DoJ counsel have been conducting Basic Law seminars organised by the Civil Service Bureau (CSB) to enhance civil servants' understanding of the Basic Law. Despite the pandemic, the DoJ organised 18 Basic Law seminars in collaboration with the CSB/Civil Service College (CSC) and one other organiser in the past 3 years, the details of which were as follows:

2021				
	Date	Speaker	Title	Organiser
1.	29 July 2021 p.m.	1 Senior Government Counsel (SGC)	Basic Law seminar	CSB
2.	7 September 2021 a.m.	1 SGC	Basic Law seminar	CSB
3.	26 October 2021 a.m.	1 Deputy Principal Government Counsel (DPGC)	Basic Law seminar	CSB
4.	24 November 2021 p.m.	1 DPGC	Basic Law seminar	CSB

2022				
	Date	Speaker	Title	Organiser
1.	4 May 2022 p.m.	1 DPGC	Basic Law seminar	CSB
2.	7 June 2022 p.m.	1 SGC	Basic Law seminar	CSB
3.	15 September 2022 p.m.	1 DPGC	Basic Law seminar	CSB
4.	24 October 2022 p.m.	1 SGC	Basic Law seminar	CSB
5.	17 November 2022 p.m.	1 DPGC	Basic Law seminar	CSB

2023				
	Date	Speaker	Title	Organiser
1.	17 February 2023 p.m.	1 DPGC	Basic Law seminar	CSC
2.	23 March 2023 p.m.	1 DPGC	Basic Law seminar	CSC
3.	19 May 2023 p.m.	1 SGC	Basic Law seminar	CSC
4.	15 June 2023 p.m.	1 DPGC	Basic Law seminar	CSC
5.	20 July 2023 p.m.	1 DPGC	Basic Law seminar	CSC
6.	14 September 2023 p.m.	1 DPGC	Basic Law seminar	CSC
7.	27 September 2023 p.m.	1 DPGC	Seminar on the Constitutional Order of the HKSAR	The Hong Kong Academy for Performing Arts
8.	19 October 2023 p.m.	1 DPGC	Basic Law seminar	CSC
9.	23 November 2023 p.m.	1 DPGC	Basic Law seminar	CSC

In addition, the DoJ hosted the Legal Conference on Basic Law “Stability to Prosperity” on 27 May 2022. The conference aimed to highlight the fact that the Constitution is the genesis of the Basic Law and emphasise that Hong Kong must stay true to the original aspiration of the Basic Law to fully, faithfully and steadfastly implement the principle of “one country, two systems” so that it can leverage its unique strengths in the “two systems” and contribute to the country. The conference was held in hybrid mode (online and offline). Around 180 participants from the legal, political, business and financial sectors attended the conference in person that day. The morning session of the conference was broadcast live on local television, and more than 18 000 attended the conference online.

To enable more in-depth understanding of the insights of the speakers of the legal conference, the DoJ published in August 2023 the proceedings of the conference, which is a compilation of the authoritative speeches and discussions at the conference. The bilingual publication has been uploaded to the DoJ's website to facilitate members of the public to revisit the inspiring content of the legal conference.

- End -

CONTROLLING OFFICER'S REPLY

SJ020

(Question Serial No. 0219)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

With regard to cases administered by the Hong Kong International Arbitration Centre in the past 5 years, please advise on the total numbers of new cases and arbitration cases, the percentages of international arbitration cases and cross-boundary arbitration cases between the Mainland and Hong Kong in the overall arbitration cases, the top 5 geographical origins or nationalities of the parties and the total amounts in dispute, respectively.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 6)

Reply:

The Hong Kong International Arbitration Centre (HKIAC) is an independent private organisation which publishes its statistics every year.

According to the HKIAC's Annual Reports and published statistics, the total number of new cases (including arbitrations, mediations and domain name disputes) in the past 5 years (i.e. from 2019 to 2023) was 2 515. Among those cases, 1 528 were arbitration cases of which over 75% were international arbitrations (i.e. at least one party was not from Hong Kong). The total amount in dispute in all their arbitration cases was approximately HK\$295.7 billion (around US\$38.4 billion). The HKIAC does not provide in its public information any statistics on the percentage of cross-boundary arbitration cases between the Mainland and Hong Kong in the overall arbitration cases.

As shown in the HKIAC's case statistics for 2023, the top 5 geographical origins or nationalities of the parties (apart from Hong Kong) were Mainland China, the British Virgin Islands, the Cayman Islands, Singapore and the United States. Please refer to the HKIAC's press release dated 6 March 2024 for detailed statistics for 2023.

- End -

CONTROLLING OFFICER'S REPLY

SJ021

(Question Serial No. 0220)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the Department of Justice (DoJ)'s work to "promote Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond", please advise on: the names and details of the events organised by the DoJ for advancing such aim in the past 3 years; and the establishment, expenditure on emoluments and total expenditure involved to date.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 7)

Reply:

The Department of Justice (DoJ) continued to organise various activities and take forward new initiatives and work in 2021-22, 2022-23 and 2023-24 to promote Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond (the aim).

The DoJ has been working closely with professional bodies providing legal and dispute resolution services in organising, co-organising and supporting a variety of promotional activities and training courses to actively promote the aim locally, nationally and globally.

The key activities which were and will be organised and co-organised by the DoJ to facilitate the aim in the past 3 years and in 2024-25 are outlined below:

I. Regular events

- (i) Organising the annual flagship event, the Hong Kong Legal Week, in November each year to bring together legal and dispute resolution experts and academics from around the world to explore important topics including international legal co-operation, mediation, arbitration and rule of law education through a series of activities such as summits and seminars;

- (ii) Co-organising with the Hong Kong Trade Development Council (HKTDC) a thematic breakout session on dispute resolution at the Belt and Road (B&R) Summit to promote to participants from around the globe Hong Kong's strengths and opportunities in resolving B&R-related disputes;
- (iii) Co-organising with the HKTDC a thematic breakout session on dispute resolution at the Business of Intellectual Property Asia Forum where world-renowned experts are invited to explore the latest developments and dispute resolution related issues concerning intellectual property, and promoting the strengths of Hong Kong in resolving intellectual property disputes in the international arena and the Guangdong-Hong Kong-Macao Greater Bay Area (GBA);
- (iv) Co-organising with the Vis East Moot Foundation Limited the Vis East International Commercial Arbitration Moot to foster research in international commercial arbitration and to nurture professionals in international commercial arbitration. This year, contestants and arbitrators from around the world were brought together to the Moot to further promote international and Hong Kong-seated arbitration services;
- (v) Co-organising with Herbert Smith Freehills the Hong Kong Mediation Lecture in the Hong Kong Legal Week, where internationally renowned speakers will be invited to share views on different topics of mediation including the current state, challenges and opportunities in resolving international disputes through mediation, the latest development of investor-state mediation, the relationship between modern mediation practice and the equity system, as well as the mediation principles of confidentiality and privilege in court-annexed and court-based mediation services, with a view to facilitating in-depth exchanges between Hong Kong and international mediation sectors;
- (vi) Organising the Investment Law and Investor-State Mediator Training in Hong Kong and inviting world-renowned speakers from the International Centre for Settlement of Investment Disputes and the Centre for Effective Dispute Resolution to speak at the training courses, with a view to developing Hong Kong into a training base for international investment law and investment dispute resolution skills. Past participants were from the GBA, regions along the B&R and various other jurisdictions;
- (vii) Organising seminars on the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region, the School Mediation Seminar and the Mediation Essay Competition;
- (viii) Organising the biennial "Mediate First" Pledge Event with the aim of encouraging all sectors of the community to explore the use of mediation to resolve disputes before resorting to other means of dispute resolution or litigation. So far, 857 companies, organisations/associations and individuals have signed the Pledge; and
- (ix) Organising the biennial Mediation Week featuring a range of activities such as demonstration sessions and seminars to promote and nurture mediation culture and showcase the professional mediation services of Hong Kong to the local and international communities. The Mediation Conference held during the event brings together renowned speakers from Hong Kong and overseas to discuss and exchange

views on hot topics of mediation such as the United Nations Convention on International Settlement Agreements Resulting from Mediation, online dispute resolution, family and matrimonial disputes in the GBA and the metaverse, attracting participants from various jurisdictions around the world and promoting the wider use of mediation locally, in the GBA and internationally.

II. Other events

- (i) The GBA mediation platform was endorsed and established at the GBA Legal Departments Joint Conference in December 2020. The legal departments of the three governments jointly promote the extensive use of mediation for dispute resolution in the GBA. The platform promulgated and endorsed the GBA Mediator Accreditation Standards and the GBA Mediator Code of Conduct Best Practice in 2021, and endorsed the GBA Cross Boundary Disputes Mediation Model Rules in 2022. Preparatory work for facilitating the three places to establish their own panel of qualified GBA mediators is also underway;
- (ii) Co-organising with the Asian Academy of International Law in 2021 the “Why Hong Kong” webinar series, the first one of which, entitled “Why Arbitrate in Hong Kong”, explained why Hong Kong was the best choice for the provision of international arbitration services;
- (iii) Organising a seminar entitled “A New Chapter to Arbitration in Hong Kong: Outcome Related Fee Structures for Arbitration (ORFSA)” in May 2022. Distinguished speakers shared their insights from different perspectives as to how the ORFSA, which provides additional options for clients and their lawyers to create the most suitable fee arrangements in arbitration, would change the arbitration landscape in Hong Kong;
- (iv) Co-organising with Invest Hong Kong and the International Chamber of Commerce-Hong Kong seminars on arbitration funding options in Hong Kong in February and June 2023 respectively to promote various arbitration funding options available in the city, including the ORFSA regime which has been fully implemented since December 2022, among the legal and dispute resolution sectors and relevant stakeholders, and co-organising a seminar on ORFSA specifically for members of the Small and Medium Law Firms Association of Hong Kong in June 2023;
- (v) Co-organising with the HKTDC a large-scale outreach promotional campaign entitled “Resolve2Win Campaign”, and promoting Hong Kong’s dispute resolution services in Bangkok, Thailand in March 2023;
- (vi) Organising the sixth Hong Kong Legal Services Forum with the theme of “Sichuan, Chongqing and Hong Kong Join Hands for a Brighter Future” in Chengdu in August 2023 to promote Hong Kong’s international legal and dispute resolution services. The Secretary for Justice (SJ) led a delegation of over 100 members which explored legal issues of interest to Sichuan and Chongqing enterprises in the context of international trade and foreign investments, and introduced Hong Kong’s international legal and dispute resolution services. The Forum attracted an attendance of over 1 200 local legal practitioners and trade representatives;

- (vii) Supporting the hosting of the International Council for Commercial Arbitration (ICCA) Congress in Hong Kong in May 2024 by the Hong Kong International Arbitration Centre. As the largest regular international arbitration conference of its kind worldwide, the ICCA Congress is known for its major contribution to international dispute resolution and will attract experts from the global arbitration community to Hong Kong, with a view to consolidating Hong Kong's leading position as a centre for international legal and dispute resolution services in the Asia-Pacific region and beyond. As at 21 March 2024, the ICCA Congress has attracted a total of 643 people from 59 jurisdictions to register for participation in the event. We expect that the registration number will continue to grow in the next 2 months; and
- (viii) Organising the Seminar on Cross-boundary Family Mediation to promote the use of mediation in resolving cross-boundary family disputes.

Regarding the establishment, the DoJ established in October 2022 the Legal Enhancement and Development Office (LEAD Office) under the SJ's Office and the direct steer of the SJ to render high-level strategic support to the SJ and Deputy SJ, including assisting in the further formulation and co-ordination of the work on promoting Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond. Other units of the DoJ will also provide assistance as and when required. Among them, the Alternative Dispute Resolution Team of the Civil Division, apart from handling the work of its own, also provides support to the LEAD Office on dispute resolution matters. The establishments of the LEAD Office and the Alternative Dispute Resolution Team are tabulated below:

	Establishment for 2024-25	Estimated annual expenditure on emoluments for 2024-25 (notional annual mid-point salary value)
LEAD Office	2 Principal Government Counsel, 1 Deputy Principal Government Counsel (DPGC), 1 Assistant Principal Government Counsel (APGC), 3 Senior Government Counsel (SGC), 3 Government Counsel (GC), 1 Law Clerk (LC) and 2 Personal Secretaries (PS) I	\$19,693,920
Alternative Dispute Resolution Team	2 DPGC, 6 SGC, 8 GC, 3 LCs, 2 PSs I, 1 PS II, and 2 Assistant Clerical Officers	\$26,835,240

Note: Among the posts in the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited. Staff on loan from other divisions are not included in the above table.

As the promotion work is undertaken by the above officers among their other duties, the manpower/expenditure actually involved cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ022

(Question Serial No. 0221)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not specified

Programme: (-) Not specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the work on upholding Hong Kong's rule of law and judicial independence in the past year, please advise on:

1. the number of public clarification and rebuttal that the Government made in response to unfounded allegations about Hong Kong's rule of law and judicial independence initiated by foreign institutions and media, and the additional expenditures (such as newspaper advertising cost) involved, if any; and
2. the work on the "Rule of Law Education Train-the-Leaders Programme", the activities organised, and the names and details of the activities.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 8)

Reply:

1. The rule of law and judicial independence are cornerstones of Hong Kong's success. The Government is committed to safeguarding the rule of law and judicial independence of Hong Kong and will promptly refute any unfounded attacks from local or overseas politicians, organisations, media and individuals. The Department of Justice (DoJ) has frequently refuted false allegations against Hong Kong's rule of law, judicial independence, the Hong Kong National Security Law and the legislation of Article 23 of the Basic Law through various channels. From 2023 to early March this year, the DoJ published 35 press releases and articles, and the Secretary for Justice and the Deputy Secretary for Justice also conducted a total of 22 media interviews, delivered speeches on 18 different occasions and wrote to overseas media on 1 occasion to refute unwarranted statements and to set the record straight. Such work was absorbed by the existing resources of the DoJ, and did not involve any additional expenditures.

During this period, there were also occasions when the Government refuted or clarified false allegations made in the ranking indices or reports related to the rule of law or those containing indicators of the rule of law published by overseas ranking agencies.

2. The Government attaches great importance to the work on the rule of law education and continues to place “Reinforcing the Rule of Law” as one of the key policy measures in the 2023 Policy Address. The ROLE Stars Train-the-Leaders Programme (TTL Programme) is a brand-new programme on rule of law education launched by the DoJ.

With the support and assistance from members of the Steering Committee on Rule of Law Education (Steering Committee) and its 2 working groups, the first phase of the two-day TTL Programme under the theme of “Rule of Law Education Stars” was successfully held on 25 November and 2 December 2023 with over 200 participants attending each day. The trainees were mainly from 21 organisations undertaking youth-related and community work.

Through an approach that is diversified, down-to-earth, easy-to-understand and interactive, the first phase of the TTL Programme introduced to the trainees the relationship between Hong Kong’s rule of law and national laws including the Constitution, the Basic Law and the Hong Kong National Security Law under the principle of “one country, two systems”, the basic elements of the Mainland legal system and the key features of the common law system in Hong Kong, etc. The PowerPoint presentations, “Key Takeaways” and video highlights of the first phase of the TTL Programme have been uploaded to the DoJ’s website on rule of law education (www.role-ttl.gov.hk).

Moving forward, the DoJ will make reference to the experience gained from the first phase of the TTL Programme and will continue to work on the launch of the second phase in 2024 with the assistance of the Steering Committee and its working groups. It is expected that the second phase will include foundation training programme (based on the curriculum in the first phase) and advanced training programme focusing on the practice of the rule of law (during which visits to law-related institutions or mock court activities will be arranged), so as to enhance the dissemination of correct messages on the rule of law in the community.

- End -

CONTROLLING OFFICER'S REPLY

SJ023

(Question Serial No. Q0723)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is stated in the Brief Description that the work of the Secretary for Justice's Office includes assisting in the formulation, co-ordination and implementation of policy initiatives to enhance Hong Kong's status as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond. In this connection, please inform this Committee of the following:

1. What are the details of and reasons for the decrease of 4 posts in 2024-25;
2. Regarding the key performance indicators, while the number of international and regional events (including meetings of international organisations, promotional and capacity building events relating to the rule of law and dispute resolution) organised has increased from 21 in 2022 to an estimated 28 in 2024, the number of participants is estimated to drop from 91 788 to 44 475. What are the reasons for the estimated drop in the number of participants? What are the manpower and estimates involved for the events for this year?
3. Amid continued geopolitical tensions, criticisms of Hong Kong from foreign media and governments may tarnish Hong Kong's international image. Has the Department of Justice put in place any measures to enhance Hong Kong's international status as a hub for dispute resolution and a centre for international legal services and capacity building? If yes, what are the details? If not, what are the reasons?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 1)

Reply:

1. In 2024-25, there will be a decrease of 4 posts, including 1 Deputy Principal Government Counsel, 2 Senior Government Counsel and 1 Personal Secretary I. All the above are time-limited posts that will lapse in 2024-25.
2. Due to the impact of the COVID-19 pandemic, a majority of events organised during the pandemic were held virtually, and the numbers of participants further included viewers who watched the events broadcast through television channels, which did not involve any

additional expenditures borne by the Department of Justice (DoJ). After the pandemic, as most international and regional events have resumed in-person mode, the estimated numbers of participants of the events in 2024 have been adjusted accordingly.

Regarding manpower, the DoJ established in October 2022 the Legal Enhancement and Development Office under the Secretary for Justice (SJ)'s Office and the direct steer of the SJ to render high-level strategic support to the SJ and Deputy SJ, including assisting in the further formulation and co-ordination of the work on promoting Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond. Other units of the DoJ will also provide assistance as and when required. As the relevant work is undertaken by existing staff among their other duties, the manpower/expenditure involved in the above events cannot be separately identified.

3. The DoJ is committed to maintaining the competitiveness of Hong Kong's legal system, actively optimising the mutual legal assistance mechanisms on civil and commercial matters between Hong Kong and the Mainland, and facilitating and safeguarding cross-boundary civil and commercial activities. At present, Hong Kong and the Mainland have concluded a total of 9 arrangements on mutual legal assistance in civil and commercial matters, covering procedural assistance, arbitration matters, and reciprocal recognition and enforcement of judgments relating to winding-up proceedings and other civil and commercial matters. All the arrangements have come into effect, showcasing the unique advantages enjoyed by Hong Kong under "one country, two systems", which is conducive to developing Hong Kong into a regional centre for international legal and dispute resolution services.

In August 2023, the SJ led a delegation of over 100 members to attend the sixth Hong Kong Legal Services Forum in Chengdu to promote Hong Kong's international legal and dispute resolution services, further consolidating Hong Kong's strategic positioning as a centre for international legal and dispute resolution services in the Asia-Pacific Region under the National 14th Five-Year Plan. The 2023 Forum was the first since the COVID-19 pandemic. With the theme of "Sichuan, Chongqing and Hong Kong Join Hands for a Brighter Future", it explored legal issues of interest to Sichuan and Chongqing enterprises in the context of international trade and foreign investments, and introduced Hong Kong's international legal and dispute resolution services, attracting attendance of over 1 200 local legal practitioners and trade representatives.

To consolidate Hong Kong's leading position as a centre for international legal and dispute resolution services in the Asia-Pacific Region, the DoJ will step up promotion of Hong Kong's international legal and dispute resolution services overseas.

In this connection, the Deputy SJ led a delegation of the legal and dispute resolution sectors to visit Riyadh, Saudi Arabia for the first time in early March this year to participate in the Riyadh International Disputes Week to promote Hong Kong's strengths in legal and dispute resolution services, and to assist the sector in exploring opportunities under the "Belt and Road" Initiative. In May this year, the SJ will lead a delegation of the legal and dispute resolution sectors and other related sectors to visit Middle East countries. In August this year, the DoJ and the Hong Kong Trade Development Council plan to promote Hong Kong's dispute resolution services to Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area through the international promotional campaign "Resolve2Win". In September

this year, the SJ also plans to lead a delegation of the legal and dispute resolution sectors to visit ASEAN member states (including Brunei, Vietnam and Malaysia) for enhancing exchanges and co-operation between Hong Kong and the regions.

On the promotion of arbitration and mediation services, the 26th International Council for Commercial Arbitration Congress (ICCA Congress) will be organised by the Hong Kong International Arbitration Centre from 5 to 8 May this year in Hong Kong with the support of the DoJ. The biennial ICCA Congress, which is the largest regular international arbitration conference of its kind worldwide, is known for its major contribution to international dispute resolution. The DoJ will also organise the Mediation Week cum Mediation Conference 2024 from 6 to 10 May this year to further promote and deepen mediation culture. These measures will help consolidate Hong Kong's leading position as an international legal and dispute resolution services centre in the Asia-Pacific Region and beyond.

On capacity building, the DoJ will set up a dedicated office and an expert committee within this year to take forward the establishment of the Hong Kong International Legal Talents Training Academy, which will regularly organise different practical legal courses, seminars and international exchange activities, etc., with a view to promoting talent exchanges in areas along the "Belt and Road", providing foreign-related legal talent training for our country, cultivating legal talents who are familiar with international law, common law, civil law, and national legal systems, and consolidating 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.

- End -

CONTROLLING OFFICER'S REPLY

SJ024

(Question Serial No. 0724)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Under Matters Requiring Special Attention in 2024-25, the Department of Justice (DoJ) will organise visits and training programmes in Hong Kong for Mainland officials in order to develop and enhance mutual understanding of the legal systems and professional practices in Hong Kong and the Mainland and to promote Hong Kong's legal and dispute resolution services in the context of the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Greater Bay Area. In this connection, please inform this Committee of the following:

- (1) What are the details, manpower and estimated expenditure of the training programmes for this year?
- (2) How will the DoJ assess the effectiveness of these training programmes?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 2)

Reply:

In 2024-25, the Department of Justice (DoJ) will continue to arrange training programmes in Hong Kong for Mainland officials in order to enhance their understanding of the legal system and professional practices in the Hong Kong Special Administrative Region (HKSAR). The specific details of key training programmes are set out below:

- Training Scheme in Common Law for Mainland Legal Officials: the DoJ sponsors not more than 20 Mainland officials each year to attend a master's degree in common law programme at local universities in Hong Kong under the training scheme and upon completion of the academic programme, the DoJ will arrange for short term attachment of these officials in relevant government departments or law firms, with a view to deepening these Mainland officials' understanding of common law and the legal system in the HKSAR. The short term attachment also enables them to forge good working relationships with the host departments.
- Training Scheme in Common Law for Officials from the Ministry of Justice (MoJ): under the Framework Arrangement on Legal Talent Exchanges and Training

Cooperation signed between the DoJ and the MoJ in July 2021, the DoJ assists about 10 personnel from the judicial and administrative system, selected by the MoJ each year, to participate in a master's degree in common law learning programme for 1 academic year in Hong Kong, which is implemented with reference to the aforesaid Training Scheme in Common Law for Mainland Legal Officials. This training scheme includes attending a master's degree in common law programme at local universities and short term attachments.

- Short term attachment programme: under the Legal Services Cooperation Agreements concluded between the DoJ and the Justice Departments/Bureaux of 7 Mainland provinces and municipalities, the DoJ regularly arranges for officials of Mainland Justice Departments/Bureaux to come to Hong Kong for a short term programme of approximately 2 weeks, during which they will be briefed on the DoJ's work and will visit various government departments, public organisations and legal professional bodies, etc., so as to enhance their knowledge and understanding of the legal system in the HKSAR. The DoJ plans to organise the short term attachment programme in September this year.

The DoJ collects views of the officials by questionnaires or from exchange and review sessions to assess the effectiveness of the training programmes. The above 3 programmes have earned good reputation and have been well-received by Mainland organs and officials concerned. The participating officials consider that the training programmes have not only deepened their understanding of common law and the legal system in the HKSAR, but have also been conducive to honing their multi-perspective thinking and analytical skills, which are greatly beneficial to their work ahead.

The manpower and expenditure on taking forward the above training activities are absorbed by the existing resources of the DoJ.

Moreover, the DoJ will set up a dedicated office and an expert committee in 2024 to take forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy). Through regularly organising different practical legal courses, seminars and international exchange activities, etc., this can promote talent exchanges in areas along the Belt and Road and provide foreign-related legal talent training for the country. Mainland experts and academics with relevant foreign-related legal experience may participate in the related activities of the Academy as trainers, mentors or speakers, and relevant legal professionals will also be welcome to join the Academy's courses/activities.

To take forward the establishment of the Academy, the DoJ proposed to create 1 time-limited supernumerary post of Assistant Principal Government Counsel (DL1)/DL1-equivalent non-civil service position for a period of 5 years. The post will bring about an additional annual salary cost of \$2,028,000. The full annual average staff cost, including salaries and staff on-cost, is \$2,550,000. The DoJ also plans to create 3 time-limited posts, namely 1 Senior Government Counsel post, 1 Government Counsel post and 1 Law Clerk post, each for a period of 5 years, to strengthen support at non-directorate level. The newly created non-directorate posts will bring about an additional annual salary cost of \$3,207,000. The full annual average staff cost, including salaries and staff on-cost, is \$4,146,000.

- End -

CONTROLLING OFFICER'S REPLY

SJ025

(Question Serial No. 0725)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Under Matters Requiring Special Attention in 2024-25, the Department of Justice (DoJ) will foster and reinforce a proper understanding of the rule of law and cultivate a culture with a strong sense of law-abidingness and respect for the legal and judicial system. In this connection, please inform this Committee of the following:

1. In view of the low reach of the Legal Enhancement and Development Office on social media and the small number of viewers of its educational videos and pictures, etc. on the rule of law, how will the DoJ deploy its resources to optimise its strategies for promoting the rule of law so as to enhance awareness of the rule of law in the community?
2. The Steering Committee on Rule of Law Education (Steering Committee) was also established last year to promote rule of law education. How does the DoJ assess the effectiveness of the work of the Steering Committee? What are the manpower and estimated expenditure of the Steering Committee this year?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 3)

Reply:

1. To enhance the presence of its social media and online resources on the rule of law, the Department of Justice (DoJ) mainly adopts the following strategies:

In terms of channels, the DoJ will continue to showcase and promote its social media platforms and online rule-of-law related resources to the legal sector, partner organisations and other stakeholders on appropriate occasions (such as talks, exchange activities and seminars, etc.) or by way of publications and promotional materials in order to encourage the public to follow, utilise and share these platforms and resources.

In terms of content, the DoJ will continue to cover more legal topics that closely relate to citizens' daily lives, disseminate more practical knowledge on the rule of law to the public using a simple and easy-to-understand approach through more visual and interesting elements (such as charts and graphics, etc.), and boost the visibility and presence of the DoJ's social

media and online resources on the rule of law. For example, the DoJ posted practical tips on social media about the new mechanism on reciprocal recognition of judgments in civil and commercial matters between Hong Kong and the Mainland which took effect in January this year. Feedback on this new endeavour was very positive.

In addition to the social media and online resources on the rule of law, the DoJ will also organise and support a variety of physical events (such as the ROLE Stars Train-the-Leaders Programme and the Hong Kong Legal Week, etc.) as necessary to continuously promote the rule of law among people from different walks of life (such as students, teachers, legal professionals and the general public).

2. Since its establishment in February last year, the Steering Committee on Rule of Law Education (Steering Committee) has held 3 meetings. The 2 working groups under the Steering Committee also held 2 meetings each.

With the support and assistance from members of the Steering Committee and its working groups, the first phase of the two-day ROLE Stars Train-the-Leaders Programme (TTL Programme) under the theme of “Rule of Law Education Stars” was successfully held on 25 November and 2 December 2023 with over 200 participants attending each day. The trainees were mainly from 21 organisations undertaking youth-related and community work.

The first phase of the TTL Programme was well-received. Based on statistics from the survey feedback, the majority of participants were satisfied with the programme and indicated interest in joining the next phase of it.

With the assistance of the Steering Committee and its working groups, the DoJ will launch the second phase of the TTL Programme within 2024. It is expected to include foundation training programme (based on the curriculum in the first phase) and advanced training programme focusing on the practice of the rule of law (during which visits to law-related institutions or mock court activities will be arranged), so as to disseminate correct messages on the rule of law in the community on an ongoing basis.

The DoJ provides secretariat and related support to the Steering Committee. The manpower and expenditure are absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ026

(Question Serial No. 0726)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The funding support for the promotion and development of Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific Region in 2024-25 is \$126,075,000, representing an increase of \$48,643,000 over that in the previous year. In this connection, please inform this Committee of the following:

1. With an increase of over 60% in the funding support, what are the details of the manpower and work involved?
2. A funding support of \$100 million was approved by the Government in January 2021 for subsidising the eBRAM International Online Dispute Resolution Centre Limited (eBRAM), a non-governmental organisation, to develop and enhance the online dispute resolution and deal-making platform. The remaining balance in 2024-25 is estimated to be \$39 million. What were the number of dispute cases resolved by eBRAM and its financial expenditures in the past 2 years? According to a discussion paper of the Legislative Council in 2020, it is expected that not until 2027-28 would eBRAM break even. Are there any updates on the situation?
3. Since the launch of the eBRAM's deal-making portal in December last year, how many enterprises have joined the portal and how many deals have been made so far? Will there be any enhancement measures in response to the enterprises' views?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 4)

Reply:

1. To promote and develop Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific region, the Department of Justice (DoJ) is committed to facilitating international law-related organisations and dispute resolution institutions to set up offices in Hong Kong. The DoJ has collaborated with a number of international organisations and attained concrete results, including setting up offices in Hong Kong, signing relevant memoranda of co-operation, encouraging exchanges and visits between legal or judicial officers of both sides, partaking in joint capacity building programmes and forging

agreements on other collaboration projects. For example, the Asia Pacific Regional Office of the Hague Conference on Private International Law was established in Hong Kong in 2012, the Asian-African Legal Consultative Organization Hong Kong Regional Arbitration Centre was established in the Hong Kong Legal Hub in May 2022, and the DoJ is discussing with the International Institute for the Unification of Private Law about co-organising conferences or events on relevant topics in Hong Kong in 2024. The DoJ will keep striving to attract those international organisations which have yet to establish a presence in Hong Kong to set up offices here in order to enhance our international influence (especially in the Asia-Pacific region).

We will also proactively complement the continuous efforts of the Ministry of Foreign Affairs in pursuing the work related to the hosting of the headquarters of the International Organization for Mediation (IOMed) in Hong Kong. The DoJ will also make ongoing and robust efforts to explore the signing of memoranda of co-operation with other countries and the feasibility of pursuing other plans for legal collaboration and exchanges in order to foster international exchanges and co-operation between legal officials and professionals in Hong Kong and those in overseas jurisdictions. The DoJ also continues to take forward the existing secondment programmes for legal professionals with relevant international organisations, so as to foster exchanges and close partnerships. Besides, the DoJ will set up a dedicated office and an expert committee in 2024 to take forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy). In this connection, a designated working group has been set up within the DoJ to actively take forward the establishment of the Hong Kong International Legal Talents Training Office in 2024 and to prepare for the establishment of the Hong Kong International Legal Talents Training Expert Committee. Building on the foundation of the existing capacity building centre, the Academy will regularly organise practical legal courses, seminars and international exchange activities, etc. to nurture legal talents.

To address the increase in workload of supporting the IOMed and related work, the DoJ has proposed creating in the International Law Division 1 permanent post of Deputy Principal Government Counsel and will create 2 permanent Senior Government Counsel (SGC) posts and 1 permanent Personal Secretary I post to strengthen support at non-directorate level to cope with the ongoing work generated from the establishment and future operation of the IOMed. Moreover, on taking forward the establishment of the Academy, the DoJ has proposed the creation of 1 time-limited supernumerary post of Assistant Principal Government Counsel/DL1-equivalent non-civil service position for a period of 5 years, and will create 3 time-limited posts, namely 1 SGC post, 1 Government Counsel post and 1 Law Clerk post, each for a period of 5 years, to strengthen support at non-directorate level. Other work will be undertaken by the existing staff of the relevant units of the DoJ.

2. The Government strives to promote the development of LawTech to facilitate its use among the legal and dispute resolution sectors for enhancing their competitiveness, consolidating Hong Kong's status as an international legal and dispute resolution services centre in the Asia-Pacific region. As an integral part of its promotion of the development of LawTech, the Government has been actively supporting the development of online dispute resolution (ODR) and deal-making platforms (Online Platforms) by eBRAM International Online Dispute Resolution Centre Limited (eBRAM), a non-governmental organisation (NGO), to provide the public with more convenient and cost-effective online deal-making and dispute resolution services.

The COVID-19 ODR Platform launched in 2020 was eBRAM's first dispute resolution platform and a total of 6 disputes were handled in 2022. With the pandemic coming to an end, the relevant scheme ended in September 2023. eBRAM also launched the Asia-Pacific Economic Cooperation ODR Platform in May 2022, which handled 1 dispute in 2023. As for the standalone Online Arbitration Platform and Online Mediation Platform launched in February 2023, 2 and 5 cases were handled respectively in 2023, and 1 case has been handled by each platform in 2024 (as at February).

In January 2021, the Finance Committee of the Legislative Council approved the funding support of \$100 million for eBRAM to develop the Online Platforms. According to the Memorandum of Understanding on the funding support signed between the Government and eBRAM, the funding would be released in phases starting from 2021. The Government has been monitoring and following up on, among others, the operation, progress in developing the Online Platforms and marketing plans of eBRAM, and the release of funding is conditional upon detailed assessment in each phase.

As a local NGO, eBRAM utilises its resources independently to manage, maintain and upgrade the systems of the relevant Online Platforms, and to promote and publicise its online deal-making and dispute resolution services. According to the information provided by eBRAM in the fourth quarter of 2023, eBRAM maintains the forecast that it will break even in 2027-28.

3. eBRAM launched its online deal-making portal in December 2023. According to the statistics provided by eBRAM, 50 enterprises from various sectors (including those from the legal, professional and business services, and information technology sectors, etc. in Hong Kong, the Mainland and other regions) have joined the portal and 44 deals have been made as at February 2024. We understand that eBRAM will collect views on the deal-making portal from time to time and will examine and fine-tune its operational strategies accordingly, so as to effectively provide micro, small and medium enterprises with safe and convenient avenues to seek partners and facilitate cross-boundary trade, thereby enhancing Hong Kong's "eight centres" competitive edge.

- End -

CONTROLLING OFFICER'S REPLY

SJ027

(Question Serial No. 0111)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

In 2020 and 2021, Hong Kong signed a Memorandum of Understanding (MoU) with the Hague Conference on Private International Law (HCCH) and the International Institute for the Unification of Private Law (UNIDROIT) respectively to put in place standing arrangements for secondment. How many local legal professionals have joined the secondment programmes since the arrangements were put in place? Will the Government allocate additional funding and more resources to encourage the active participation in the programmes by more young legal professionals in Hong Kong, so as to provide them with opportunities to broaden their horizons and to raise the professional standards of the legal sector in Hong Kong? If yes, what are the details?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 55)

Reply:

Since standing arrangements were put in place for the secondment programmes to the Hague Conference on Private International Law (HCCH) and the International Institute for the Unification of Private Law (UNIDROIT), a total of 9 local legal professionals (including solicitors/barristers in private practice and Government Counsel) have been seconded to the Permanent Bureau of the HCCH in The Hague, the Netherlands and the Secretariat of UNIDROIT in Rome, Italy.

The Department of Justice (DoJ) will continue to provide local legal talents with sustained training opportunities, particularly in the practice of foreign-related legal affairs, and to promote to the legal sector (including young legal professionals) the secondment programmes to international organisations. The DoJ has commenced the 2024 recruitment exercise for the programmes. On 29 February this year, the DoJ and the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region, with the support of the Hong Kong Bar Association (HKBA) and The Law Society of Hong Kong (The Law Society), co-organised the “Briefing Session on the 2024 Recruitment Exercise for Secondment Programmes to International Legal Organisations”, to encourage local legal professionals to apply for the programmes and grasp this golden opportunity for broadening their horizons, with a view to raising the professional standards of our legal sector. The

event attracted about 100 attendees from the DoJ, the HKBA, The Law Society, international law-related organisations in Hong Kong, law schools, etc.

- End -

CONTROLLING OFFICER'S REPLY

SJ028

(Question Serial No. 0112)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The renovation works for the headquarters of the International Organization for Mediation are expected for substantial completion by mid-2025. As regards the publicity and proactive efforts in inviting other countries to use mediation services in Hong Kong, what will be the specific policies or measures taken by the Government to attract dispute parties, mediators and legal professionals to conduct mediation in Hong Kong? What are the estimated expenditure and the establishment involved?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 53)

Reply:

The negotiation on the Convention on the Establishment of the International Organization for Mediation (Convention) is progressing in an orderly manner. Upon the adoption and entry into force of the Convention, the headquarters of the International Organization for Mediation (IOMed) will be officially established in the Hong Kong Special Administrative Region (HKSAR). The HKSAR Government will continue to provide robust safeguard for the future operation of the IOMed under the guidance and support of the Central People's Government. On publicity and efforts in inviting other countries to use mediation services in Hong Kong, the planned publicity policies or measures include organising large-scale promotional activities, such as the signing ceremony of the Convention and meetings for promoting the Convention and related rules/regulations, etc., and other regular activities and promotional campaigns for promoting the Convention and the headquarters of the IOMed to be hosted in the HKSAR. It is expected that the HKSAR Government will provide relevant support and such work can attract disputing parties and professionals, such as mediators and lawyers, to choose Hong Kong for conducting mediation.

The Department of Justice (DoJ) has also been maintaining contact and engaging in exchanges with a number of international organisations and jurisdictions, including co-operating with international organisations and international legal and dispute resolution institutions in organising international conferences or forums in Hong Kong, and actively following up on the signing of memoranda of legal co-operation with other jurisdictions. Such work can also attract legal and dispute resolution professionals from all over the world

to experience for themselves Hong Kong’s unique strengths, sound foundation of the rule of law, and wealth of legal talents and legal resources, which will similarly help attract professionals to choose Hong Kong.

On attracting and nurturing international mediation talents, since 2018, the DoJ has collaborated with the Asian Academy of International Law to launch training courses in Hong Kong encompassing investment laws and mediation skills for investment disputes. The past 3 training courses provided such training for a total of 133 participants from 49 jurisdictions. This year’s training courses on investment laws and investor-state mediation skills are tentatively scheduled for the second and fourth quarters of 2024 respectively. The training courses not only contribute to the capacity building of dispute resolution talents in Hong Kong and overseas, but also further capitalise on Hong Kong’s bilingual common law system and international status, consolidating Hong Kong’s strategic position as an international legal and dispute resolution services centre in the Asia-Pacific region under the National 14th Five-Year Plan.

Moreover, the Government drew up the first Talent List Hong Kong in 2018, with a view to attracting quality people in a more effective and focused manner to support Hong Kong’s development into a high value-added and diversified economy. The Talent List has been continuously optimised over the years. Mediators specialising in resolving international commercial, financial and investor-state disputes are included in the “dispute resolution professionals” segment on the current Talent List, with a view to attracting more such talents to Hong Kong.

Regarding the establishment and expenditure, the DoJ established in October 2022 the Legal Enhancement and Development Office (LEAD Office) under the Secretary for Justice (SJ)’s Office and the direct steer of the SJ to render high-level strategic support to the SJ and Deputy SJ, including assisting in the further formulation and co-ordination of the work on promoting Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond. Other units of the DoJ will also provide assistance as and when required. Among them, Team 3 ^{Note 2} of the Mutual Legal Assistance Unit of the International Law Division will provide support for the work related to the IOMed. The establishment and expenditure of the LEAD Office and Team 3 of the Mutual Legal Assistance Unit are tabulated below:

	Establishment for 2024-25	Estimated annual expenditure on emoluments for 2024-25 (notional annual mid-point salary value)
LEAD Office ^{Note 1}	2 Principal Government Counsel, 1 Deputy Principal Government Counsel (DPGC), 1 Assistant Principal Government Counsel (APGC), 3 Senior Government Counsel (SGC), 3 Government Counsel (GC), 1 Law Clerk and 2 Personal Secretaries (PS) I	\$19,693,920

	Establishment for 2024-25	Estimated annual expenditure on emoluments for 2024-25 (notional annual mid-point salary value)
Team 3 of the Mutual Legal Assistance Unit	1 DPGC ^{Note 3} , 2 SGC and 1 PS I	\$6,098,760

Staff on loan from other divisions are not included in the above table.

Note 1: Among these posts of the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited.

Note 2: Team 3 of the Mutual Legal Assistance Unit will be established in 2024-25.

Note 3: The DoJ consulted the Legislative Council Panel on Administration of Justice and Legal Services and the Establishment Sub-committee on the proposed creation of the directorate post on 26 February 2024 and 27 March 2024 respectively, and obtained Members' support. The DoJ will seek the approval of the Finance Committee on the proposed creation of the post on 26 April 2024.

As the work is undertaken by the above officers among their other duties, the manpower/expenditure actually involved cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ029

(Question Serial No. 0113)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The Government is taking forward the establishment of the Hong Kong International Legal Talents Training Academy to nurture legal talents with an international perspective and good knowledge of different legal systems. In this connection, will the Government draw up any performance indicators for the Academy? If yes, what are the details? What specific measures will the Government adopt in the training of relevant talents with a view to providing for our country legal talents who are familiar with international law, common law, civil law and national legal systems? What are the estimated expenditure and details of the nurture of legal talents?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 54)

Reply:

At present, the Department of Justice (DoJ) has set up an internal working group responsible for taking forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy) and related work. The Chief Executive's 2023 Policy Address mentions that, within 2024, the DoJ will set up a dedicated office and an expert committee comprising experts and academics at home and abroad to help plan the work of taking forward the establishment of the Academy and set out a clear and detailed long-term road map for the Academy.

Currently, the DoJ organises training, seminars and exchange activities in collaboration with Mainland and Macao institutions and international organisations, and also organises programmes for law students and young legal talents. The Academy will plan, organise and launch training programmes focusing on legal practices and procedures based on the existing training and capacity building programmes of the DoJ. Building on the existing capacity building programmes, the Academy will nurture relevant talents through organising regular legal training, seminars and international exchange activities, etc.

To take forward the establishment of the Academy, the DoJ proposed to create 1 time-limited supernumerary post of Assistant Principal Government Counsel (DL1)/DL1-equivalent non-civil service position for a period of 5 years. The additional annual salary cost of the

post is \$2,028,000. The full annual average staff cost, including salaries and staff on-cost, is \$2,550,000.

The DoJ also plans to create 3 time-limited posts, namely 1 Senior Government Counsel post, 1 Government Counsel post and 1 Law Clerk post, each for a period of 5 years, to strengthen support at non-directorate level. The additional annual salary cost of the newly created non-directorate posts is \$3,207,000. The full annual average staff cost, including salaries and staff on-cost, is \$4,146,000.

- End -

CONTROLLING OFFICER'S REPLY

SJ030

(Question Serial No. 0159)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

According to paragraph 171 of the Budget (sic), the International Organization for Mediation (IOMed) will have its headquarters hosted in Hong Kong. IOMed, specialising in resolving international disputes by means of mediation, will be the first international inter-governmental organisation to set up headquarters in Hong Kong. This will attract dispute parties, mediators and legal professionals to conduct mediation in Hong Kong, which will in turn boost other related economic activities. In this connection, would the Government inform this Committee of the following:

1. What is the current number of legal talents in Hong Kong with qualifications in international mediation? Does the Government have any plans to further attract and nurture international mediation talents?
2. What is the plan of the Department of Justice for promoting Hong Kong's legal and dispute resolution services to the Mainland, the Middle East and ASEAN member states?

Asked by: Hon SO Cheung-wing (LegCo internal reference no.: 25)

Reply:

1. Regarding international mediation talents, according to the Mediation Mechanism for Investment Disputes in the Investment Agreement under the Mainland and Hong Kong Closer Economic Partnership Arrangement, Hong Kong and the Mainland each designates its own mediation institutions and mediators for the resolution of investment disputes and publishes a list of mediation institutions and mediators mutually agreed by both sides. From 14 December 2022 to 13 December 2024, Hong Kong has 2 mutually agreed designated mediation institutions, namely the Hong Kong Mediation Council Limited under the Hong Kong International Arbitration Centre and the Mainland-Hong Kong Joint Mediation Center, and 19 mutually agreed designated mediators, who have been trained in investor-state mediation for resolving international disputes involving a state party.

On attracting and nurturing international mediation talents, since 2018, the Department of Justice (DoJ) has collaborated with the Asian Academy of International Law to launch

training courses in Hong Kong encompassing investment law and mediation skills for investment disputes. The past 3 training courses provided such training for a total of 133 participants from 49 jurisdictions. This year's training courses on investment law and investor-state mediation skills are tentatively scheduled for the second and fourth quarters of 2024 respectively. The training courses not only contribute to the capacity building of dispute resolution talents in Hong Kong and overseas, but also further capitalise on Hong Kong's bilingual common law system and international status, consolidating Hong Kong's strategic position as an international legal and dispute resolution services centre in the Asia-Pacific region under the National 14th Five-Year Plan.

Moreover, it is expected that subsequent to signing the Convention on the Establishment of the International Organization for Mediation (Convention), the International Organization for Mediation Preparatory Office or the International Organization for Mediation to be established later will organise large-scale promotional activities, including the signing ceremony of the Convention and meetings for promoting the Convention and related rules/regulations, etc. It is expected that other regular activities and promotional campaigns will be organised for promoting the Convention and the headquarters of the IOMed to be hosted in the Hong Kong Special Administrative Region (HKSAR). It is expected that the HKSAR Government will provide relevant support and such work can attract disputing parties and professionals, such as mediators and lawyers, to choose Hong Kong for conducting mediation.

The DoJ has also been maintaining contact and engaging in exchanges with a number of international organisations and jurisdictions, including co-operating with international organisations and international legal and dispute resolution institutions in organising international conferences or forums in Hong Kong, and actively following up on the signing of memoranda of legal co-operation with other jurisdictions. Such work can also attract legal and dispute resolution professionals from all over the world to experience for themselves Hong Kong's unique strengths, sound foundation of the rule of law, and wealth of legal talents and legal resources, which will similarly help attract professionals to choose Hong Kong.

The DoJ will also set up a dedicated office and an expert committee in 2024 to take forward the establishment of the Hong Kong International Legal Talents Training Academy. A designated working group has been set up within the DoJ to actively take forward the establishment of the Hong Kong International Legal Talents Training Office in 2024 and to prepare for the establishment of the Hong Kong International Legal Talents Training Expert Committee. Through regularly organising different practical legal courses, seminars and international exchange activities, etc., this can promote talent exchanges in areas along the "Belt and Road", give full play to Hong Kong's unique advantages and rule of law, serving to bridge our country with the rest of the world, and nurture legal talents with an international perspective and good knowledge of different legal systems, etc., including nurturing international mediation talents.

Moreover, the Government drew up the first Talent List Hong Kong in 2018, with a view to attracting quality people in a more effective and focused manner to support Hong Kong's development into a high value-added and diversified economy. The Talent List has been continuously optimised over the years. Mediators specialising in resolving international commercial, financial and investor-state disputes are included in the "dispute resolution

professionals” segment on the current Talent List, with a view to attracting more such talents to Hong Kong.

2. Apart from the above capacity building and promotional activities, the DoJ will continue to promote Hong Kong’s legal and dispute resolution services by organising international conferences and exchange activities, as well as leading the legal and dispute resolution sectors to visit the Mainland, the Middle East, ASEAN member states, etc.

Regarding the Mainland, the DoJ plans to organise the international promotional campaign “Resolve2Win” with the Hong Kong Trade Development Council in August this year for promoting Hong Kong’s dispute resolution services to Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area.

Regarding Middle East countries, the Deputy Secretary for Justice led a delegation of the legal and dispute resolution sectors to visit Riyadh, Saudi Arabia for the first time in early March this year to participate in the Riyadh International Disputes Week to promote Hong Kong’s strengths in legal and dispute resolution services. In May this year, the Secretary for Justice (SJ) will lead a delegation of the legal and dispute resolution sectors and other related sectors to visit Middle East countries to assist these sectors in exploring opportunities under the “Belt and Road” Initiative.

Regarding ASEAN member states, the SJ plans to lead a delegation of the legal and dispute resolution sectors to visit ASEAN member states (including Brunei, Vietnam and Malaysia) in September this year to enhance exchanges and co-operation between Hong Kong and the regions.

- End -

CONTROLLING OFFICER'S REPLY

SJ031

(Question Serial No. 1909)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is stated in paragraph 15 under this Programme that the work of the Secretary for Justice's Office and the Constitutional and Policy Affairs Division includes assisting in the formulation, co-ordination and implementation of policy initiatives to strengthen rule of law education, whilst at the same time providing legal advice on the Basic Law and assisting the promotion of knowledge in it. In this connection, would the Government inform this Committee of the following:

1. What policies will the Government introduce to foster and reinforce a proper understanding of the rule of law among the public and cultivate a sense of law-abidingness and respect for the legal and judicial system? If any, what are the details? If nil, what are the reasons?
2. Whether the Government has any plans to organise activities in the year to promote among the youth (covering university, secondary and primary students) and the general public the proper understanding and implementation of the Constitution, the Basic Law (including Article 23) and the Hong Kong National Security Law for safeguarding national security? If yes, what are the details? If not, what are the reasons?

Asked by: Hon TAN Sunny (LegCo internal reference no.: 35)

Reply:

1. The Government attaches great importance to the work on the rule of law education, and "Reinforcing the Rule of Law" remains as one of the key policy measures in the 2023 Policy Address.

The Department of Justice (DoJ) has suitably provided diversified rule of law education programmes for various sectors to foster and reinforce proper understanding of the rule of law and law-abiding awareness among the public, as well as respect for the legal and judicial system. The programmes include the following:

(i) The DoJ launched the “ROLE Stars Train-the-Leaders Programme” (TTL Programme) in November 2023. With the support and assistance from members of the Steering Committee on Rule of Law Education (Steering Committee) and its 2 working groups, the first phase of the two-day TTL Programme under the theme of “Rule of Law Education Stars” was successfully held on 25 November and 2 December 2023, attended by over 200 trainees per day who were mainly from 21 organisations undertaking youth-related and community work.

Through an approach that is diversified, down-to-earth, easy-to-understand and interactive, the first phase of the TTL Programme introduced to the trainees the relationship between Hong Kong’s rule of law and national laws including the Constitution, the Basic Law and the Hong Kong National Security Law (HKNSL) under the principle of “one country, two systems”, the basic elements of the Mainland legal system, the key features of the common law system in Hong Kong, etc. The PowerPoint presentations, “Key Takeaways” and video highlights of the first phase of the TTL Programme have been uploaded to the DoJ’s website on rule of law education (www.role-ttl.gov.hk).

(ii) The DoJ will continue to support diversified rule of law education and promotional programmes for the youth and the general public, including interactive drama performances. Drawing on past experience, we will continuously review, enhance and integrate various rule of law education programmes and collaborate with stakeholders from various sectors. All these endeavour to raise law-abiding awareness across all levels of society, and to enhance the understanding of the rule of law principles and our legal system among different sectors.

(iii) The DoJ will continue to disseminate legal knowledge to the general public in an easy-to-understand approach and language by way of videos clips, publications and other media. We will also actively make use of new media channels such as online media and social media platforms commonly used by the general public to disseminate correct messages on the rule of law and to counter rumours and wrong messages in a timely manner.

Through the aforesaid diverse means and platforms, the DoJ wishes to promote collaboration amongst all sectors of the community so as to foster a law-abiding culture in society, raise public awareness to uphold the rule of law and to jointly tell good stories of Hong Kong’s rule of law.

2. After the publication of “Annotations of the Hong Kong National Security Law and Seditious Offences in the Crimes Ordinance” (English version) in December 2023, the DoJ plans to publish a Chinese version of the annotations this year for wider public access. The annotations collate and summarise court cases concerning the HKNSL and seditious offences in the Crimes Ordinance (which have been incorporated into Division 4 of Part 3 of the Safeguarding National Security Ordinance) with a view to promoting a better understanding in all sectors of the community of the HKNSL and the crime of sedition and serving as a convenient and practical tool for national security education and legal research on the national security laws.

In addition, the DoJ plans to hold an HKNSL Legal Forum this year focusing on the implementation of the HKNSL and the latest development in laws on safeguarding national security. The DoJ believes that the legal forum can facilitate different sectors of the

community to properly understand national security legislation and raise national security and law-abiding awareness.

The DoJ will also make reference to the experience gained from the first phase of the TTL Programme and will continue to work on the launch of the second phase in 2024 with the assistance of the Steering Committee and its working groups. It is expected that the second phase will include foundation training programme (based on the curriculum in the first phase) and advanced training programme focusing on the practice of the rule of law (during which visits to law-related institutions or mock court activities will be arranged), aiming to enhance the general public's understanding of the rule of law principles, "one-country, two-systems", and the laws such as the Constitution, the Basic Law and the HKNSL.

- End -

CONTROLLING OFFICER'S REPLY

SJ032

(Question Serial No. 1224)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It has been reported that in the estate case of Mrs Nina Wang, the late Chinachem Group Chairman, that involves \$141 billion, the High Court has earlier held that the Chinachem Charitable Foundation was not qualified to serve as the estate trustee, and a scheme of administration would be jointly formulated by the Secretary for Justice (SJ) and the estate administrators.

A draft scheme has been devised by the two parties at the High Court. The Department of Justice (DoJ) has proposed that the trust of the estate would be named "Nina and Teddy Wang Charitable Trust" (tentative) to honour Mrs Nina Wang's wish to donate her estate for charitable purposes. The board of governors of the trustee would be appointed by the SJ and an independent estate supervisory organisation would be commissioned for auditing the trustees' accounts.

To follow up with the above, would the DoJ inform this Committee of the following:

1. What is the progress of the above work? Can it be completed in the financial year of 2024-2025?
2. In addition, what measures will be taken by the DoJ to monitor and scrutinise whether the estate administrators are diligent in their duties and to ensure that they have no conflict of interests; to assist the court in expediting the approval process; and to take forward the scheme of administration for charitable purposes?
3. In the coming financial year, what are the estimated manpower and resources earmarked by the DoJ for the relevant matters?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 1)

Reply:

1. Upon the application of the Secretary for Justice (SJ) (in his capacity as the protector of charities), the Court is currently considering the specific details of the scheme for the

administration of the estate (Scheme) and determining the relevant provisions and their particulars. The Court approved a preliminary draft of the Scheme and gave directions on certain provisions and particulars at the hearings on 12-14 December 2023 and 5-6 February 2024 respectively. The Court will continue to consider the draft Scheme and deal with formal sanction of the Scheme and related matters at the hearing to be held on 16 May 2024. After the Scheme is sanctioned by the Court, the Department of Justice (DoJ) and the interim administrators will apply to the Court for formal grant of the letter of administration of the estate in due course. The DoJ has been closely following up the related matters, but given that the relevant legal proceedings are ongoing, it is inappropriate to publicly discuss any further details.

2. The Scheme will govern the administration of the late Mrs Nina Wang's estate and its charitable purposes, including the exercise of power by the estate trustee. The estate trustee will also be subject to the supervision of the Supervisory Managing Organisation to be set up under the Scheme, comprising independent individuals appointed by the SJ. Generally speaking, if any misappropriation of charitable assets by an administrator is found, the SJ being the protector of charities can apply to the Court for appropriate relief.
3. In the coming financial year, the DoJ will continue to deploy suitable manpower and resources to handle the matters concerned as expeditiously as possible. Since such matters are handled by the existing staff of the DoJ who also handle other duties, the manpower or expenditure involved cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ033

(Question Serial No. 2844)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The work of the Department of Justice (DoJ) in the coming year includes fostering and reinforcing a proper understanding of the rule of law and cultivating a culture with a strong sense of law-abidingness and respect for the legal and judicial system.

1. After the legislation of Article 23 of the Basic Law, will the DoJ step up promotion and publicity for the public as well as foreigners or foreign organisations to clearly understand it, and how? If yes, what are the details of the activities, manpower and expenditure involved? If not, what are the reasons?
2. What were the expenditures incurred by the DoJ for community-wide publicity and educational campaigns, including those on promoting the understanding of the Constitution and the Basic Law in the past 5 years, and what were the specific details?
3. What are the work plans for promoting the understanding of the Constitution and the Basic Law this year? Will the relevant expenditure and manpower be increased?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 20)

Reply:

1. The Safeguarding National Security Bill was passed after the third reading by the Legislative Council on 19 March 2024. In addition to explaining and promoting the Safeguarding National Security Ordinance to the local and international communities in collaboration with relevant bureaux, the Department of Justice (DoJ) will also enhance the understanding of the legislation among the public and different sectors of the community through various channels in a timely manner. Such work will be absorbed by the existing resources of the DoJ.
2. The DoJ has resolutely promoted a proper understanding of the Constitution and the Basic Law among different sectors of the community through various activities, including legal conferences, seminars, publications, etc. The details of such activities in the past 5 years are as follows:

	Legal Conference	Seminar	Publication
2019-2020		7 Basic Law seminars for civil servants	Basic Law Bulletin
2020-2021	Basic Law 30th Anniversary Legal Summit	(a) 2 Basic Law seminars for civil servants (b) Education University of Hong Kong - Basic Law and One Country, Two Systems seminar	Basic Law Bulletin
2021-2022		4 Basic Law seminars for civil servants	(a) Basic Law Bulletin (b) Basic Law 30th Anniversary Legal Summit Proceedings
2022-2023	Hong Kong Special Administrative Region 25th Anniversary Legal Conference on Basic Law	5 Basic Law seminars for civil servants	(a) Basic Law Bulletin (b) Basic Law: Selected Drafting Materials and Significant Cases
2023-2024		(a) 8 Basic Law seminars for civil servants (b) The Hong Kong Academy for Performing Arts - Seminar on the Constitutional Order of the HKSAR	(a) Basic Law Bulletin (b) The Proceedings of HKSAR 25th Anniversary Legal Conference on Basic Law

The DoJ has invariably assisted other government departments in organising publicity, educational and promotional activities on the Constitution and the Basic Law, such as providing advice on the Education Bureau's teaching materials on the Constitution and the Basic Law for secondary and primary schools, offering comments on and acting as adjudicators in various exhibitions, promotional videos and quiz competitions on the Constitution and the Basic Law.

To enhance the promotion of rule of law education and to facilitate the co-ordination of and co-operation in this area of work among government departments and non-governmental organisations, the DoJ established the Steering Committee on Rule of Law Education (Steering Committee) in February 2023 to provide advice and assistance to the DoJ in relation to its strategies and programmes for promoting rule of law education in Hong Kong. Chaired by the Secretary for Justice (SJ), the Steering Committee comprises members from the relevant bureaux (namely the Civil Service Bureau, the Constitutional and Mainland Affairs

Bureau, the Education Bureau, the Home and Youth Affairs Bureau, the Security Bureau and the DoJ), the judiciary and the legal sector, as well as local law schools.

With the assistance from members of the Steering Committee and its working groups, the DoJ launched the new “ROLE Stars Train-the-Leaders Programme” (TTL Programme) in November 2023, which seeks to provide training for members of the public from different sectors, to enhance their ability and effectiveness in disseminating correct messages on the rule of law to others in their diverse roles and capacities in the community, with the aim of promoting rule of law education on all fronts. Through an approach that is diversified, down-to-earth, easy-to-understand and interactive, the first phase of the TTL Programme introduced to the trainees, among others, the relationship between Hong Kong’s rule of law and national laws including the Constitution, the Basic Law and the the Hong Kong National Security Law (HKNSL) under the principle of “one country, two systems”, the basic elements of the Mainland legal system and the key features of the common law system in Hong Kong.

Meanwhile, the DoJ has been actively rolling out a variety of rule of law education and related promotion activities, making use of videos clips and publications and arranging interactive drama performances for primary schools, etc., to disseminate legal knowledge to the general public, the youth and different sectors of the community in a simple and easy-to-understand approach and language. The DoJ has also been actively engaging different channels, such as online media and social media platforms, to disseminate correct messages on the rule of law and to counter rumours and wrong messages in a timely manner.

Regarding the establishment and expenditure on promoting the Constitution and the Basic Law, all officers of different divisions of the DoJ have to be engaged and participate in the relevant work. In particular, the Basic Law Unit (BLU) under the Constitutional and Policy Affairs Division and the Legal Enhancement and Development Office (LEAD Office) under the Secretary for Justice’s Office play the most instrumental role.

The establishment and estimated annual expenditure on emoluments of the BLU and the LEAD Office for the past 5 years are tabulated below:

Establishment	Estimated annual expenditure on emoluments (notional annual mid-point salary)				
	2019-20	2020-21	2021-22	2022-23	2023-24
<u>BLU</u> (^{Note 1}) 1 Deputy Principal Government Counsel (DPGC), 4 Senior Government Counsel (SGC), 1 Government Counsel (GC), 1 Law Clerk (LC), 1 Personal Secretary (PS) I and 2 PS II	\$10,400,700	\$10,902,300	\$10,902,300	\$10,902,300	\$11,174,700

Establishment	Estimated annual expenditure on emoluments (notional annual mid-point salary)				
	<u>LEAD Office</u> (Note2) 2 Principal Government Counsel (PGC), 1 DPGC, 1 Assistant Principal Government Counsel (APGC), 3 SGC, 3 GC, 1 LC and 2 PS I	Not applicable	Not applicable	Not applicable	\$7,491,840

(Only covered the expenses during the 6-month period from October 2022 to March 2023)

Note 1: In 2020-21, 1 Assistant Clerical Officer (ACO) post was regraded to 1 PS II post, which does not involve additional estimated annual expenditure on emoluments.

Note 2: Among the posts in the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited. Staff on loan from other divisions are not included in the above table.

Before the LEAD Office was established in October 2022 to succeed and replace the former Inclusive Dispute Avoidance and Resolution (IDAR) Office, the latter had also been responsible for promoting the Constitution and the Basic Law. The establishment and estimated annual expenditure on emoluments of the former IDAR Office in the past 5 years are tabulated below:

	Estimated annual expenditure on emoluments (notional annual mid-point salary)				
	2019-20	2020-21	2021-22	2022-23	2023-24
1 PGC, 2 SGC, 1 GC, 1 LC, 1 PS I and 1 ACO	\$1,865,100 (Note 1)	\$5,300,580 (Note 2)	\$7,951,380	\$3,975,690	N/A

(Only covered the expenses during the 6-month period from April to September 2022)

Note 1: The estimated annual expenditure on emoluments for 2019-20 only included 1 SGC and 1 LC.

Note 2: As the PGC post had not been created when the estimated expenditure for 2020-21 was calculated, the estimated annual expenditure on emoluments for 2020-21 did not include the expenses of that post.

As the promotion work is/was undertaken by the above officers among their other duties, the

manpower/expenditure actually involved cannot be separately identified. The expenditures on the relevant publicity and education are absorbed by the existing resources of the DoJ.

3. In 2024-25, the DoJ will continue to enhance the understanding of the Constitution and the Basic Law among different sectors of the community, in particular the civil service, through different activities including publications, such as the Basic Law Bulletin, and seminars.

Furthermore, with the assistance of the Steering Committee and its working groups, the DoJ will launch the second phase of the TTL Programme within 2024. It is expected to include foundation training programme (based on the curriculum in the first phase) and advanced training programme focusing on the practice of the rule of law (during which visits to law-related institutions or mock court activities will be arranged), so as to enhance the understanding of “one country, two systems”, the Constitution, the Basic Law, the HKNSL and the Mainland legal system across all sectors.

The DoJ will also continue to take forward a variety of rule of law education initiatives, collaborate with different stakeholders, and work together with all sectors of the community to foster and reinforce a law-abiding culture in the society on all fronts, so that members of the community will conscientiously construct and uphold the rule of law, and jointly write and tell good stories of Hong Kong’s rule of law.

The establishment and estimated annual expenditure on emoluments of the BLU and the LEAD Office for 2024-25 are tabulated below:

	Establishment for 2024-25	Estimated annual expenditure on emoluments for 2024-25 (notional annual mid-point salary)
BLU	1 DPGC, 4 SGC, 1 GC, 1 LC, 1 PS I and 2 PS II	\$11,522,520
LEAD Office	2 PGC, 1 DPGC, 1 APGC, 3 SGC, 3 GC, 1 LC and 2 PS I	\$19,693,920

Note: Among the posts in the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited. Staff on loan from other divisions are not included in the above table.

The expenditures on the relevant publicity and education are absorbed by the existing resources of the DoJ.

-End-

CONTROLLING OFFICER'S REPLY**SJ034****(Question Serial No. 2845)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

There is an average of some 1 000 cases conducted by barristers and solicitors instructed to prosecute at different levels of courts each year.

1. What were the ratios of cases successfully prosecuted and convicted to those that were not in the past 5 years?
2. What were the expenditures on briefed-out counsel's fees and the highest fees paid in the past 5 years?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 21)Reply:

1. The numbers of cases conducted by Government Counsel and by barristers or solicitors instructed to prosecute ("fiat counsel") in place of Government Counsel at different levels of courts for the past 5 years are tabulated below:

Number of cases conducted	2019		2020		2021		2022		2023	
	Government Counsel	Fiat Counsel	Government Counsel	Fiat Counsel	Government Counsel	Fiat Counsel	Government Counsel	Fiat Counsel	Government Counsel	Fiat Counsel
Appellate Courts ¹	1 121	24	821	25	734	37	834	22	694	4
Court of First Instance	420	139	205	69	302	164	190	126	221	82
District Court	888	621	656	611	780	790	738	731	1 003	569
Magistrates' Courts	120	631 ²	191	902 ²	171	979 ²	181	619 ²	305	617 ²
Others ³	1 102	0	1 188	2	1 072	2	1 040	11	1 331	14
Total	3 651	1 415	3 061	1 609	3 059	1 972	2 983	1 509	3 554	1 286

¹ Including magistracy appeals and appeals heard in the Court of Appeal and the Court of Final Appeal.

² Apart from prosecuting in place of Government Counsel in the Magistrates' Courts, fiat counsel are also engaged to prosecute in place of Court Prosecutors in the Magistrates' Courts, attending to all cases before a particular magistrate on a full or half-day basis. Such engagement is based on the number of court days rather than the number of cases.

The numbers of court days undertaken by fiat counsel in place of Court Prosecutors in the Magistrates' Courts for the past 5 years are as follows:

Number of court days undertaken by fiat counsel in place of Court Prosecutors in the Magistrates' Courts	2019	2020	2021	2022	2023
	4 054	2 213	3 582	2 172	2 505

³ Including applications for restraint orders, death inquests, bail applications, taxation of costs and miscellaneous proceedings in the High Court.

The conviction rates at the Magistrates' Courts, the District Court and the Court of First Instance for the past 5 years are tabulated as below:

	2019	2020	2021	2022	2023
Magistrates' Courts					
- defendants convicted after trial (%)	54.6	52.4	56.7	54.0	60.7
- defendants convicted after trial and defendants convicted on their own pleas (%)	68.3	65.1	69.0	65.7	70.2
District Court					
- defendants convicted after trial (%)	67.4	70.5	67.6	78.8	79.8
- defendants convicted after trial and defendants convicted on their own pleas (%)	92.9	93.5	91.9	93.1	95.1
Court of First Instance					
- defendants convicted after trial (%)	60.7	56.3	50.8	54.2	55.8
- defendants convicted after trial and defendants convicted on their own pleas (%)	90.0	88.8	82.1	85.2	87.6

The DoJ does not maintain any breakdown of the conviction rates of cases conducted by fiat counsel in place of Government Counsel.

2. The total costs of briefing out in relation to criminal cases for the past 5 years are as follows:

Year	Expenditure (\$)
2018-19	139,731,253
2019-20	129,181,035
2020-21	137,787,155
2021-22	170,678,036
2022-23	122,503,875

We do not maintain a detailed breakdown of briefing-out expenditure by individual Counsel. The DoJ annually submits to the Finance Committee of the Legislative Council an information paper on “Legal Expenses for Briefing Out Cases Not Covered by Approved Fee Schedules” providing details of cases involving relatively high briefing-out costs for the preceding financial year. The report submitted for 2022-23 is available at <https://www.legco.gov.hk/yr2023/english/fc/fc/papers/fi23-21e.pdf>.

- End -

CONTROLLING OFFICER'S REPLY

SJ035

(Question Serial No. 2846)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

There will be a net decrease of 8 posts in the Civil Division in 2024-25.

1. What are the reasons for the decrease of the 8 posts and the work and establishment involved?
2. How much will be saved by cutting the posts?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 22)

Reply:

1 & 2. In 2024-25, there will be a net deletion of 8 posts under the Programme for Civil and a reduction of \$8.3 million in the overall annual salary cost. The deletion of posts is mainly attributed to the lapse of time-limited posts and the restructuring of duties. The work involved includes undertaking civil litigation, providing legal advice and rendering logistics support.

- End -

CONTROLLING OFFICER'S REPLY

SJ036

(Question Serial No. 2847)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

There will be a net increase of 9 posts under Programme (5) International Law in 2024-25.

1. What are the reasons for the increase of posts and the work and establishment involved?
2. What will be the additional expenditure incurred by the increase of posts?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 23)

Reply:

1 & 2.

In 2024-25, there will be a net increase of 9 posts under the Programme of International Law, and the overall annual salary cost involved is \$13 million. The new posts are mainly created for assisting in taking forward the work related to the International Organization for Mediation and the Hong Kong International Legal Talents Training Academy.

- End -

CONTROLLING OFFICER'S REPLY

SJ037

(Question Serial No. 2848)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

1. Please give an account of the work of the Department of Justice (DoJ) on promoting the Constitution, the Basic Law and the Hong Kong National Security Law among various government departments in the past 5 years, including the specific details and expenditures, and whether such work will be stepped up in the future. If yes, what are the details? If not, what are the reasons?

2. After the legislation of Article 23 of the Basic Law, does the DoJ have any plans to enhance civil servants' understanding of the matter? If yes, what are the details? If not, what are the reasons?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 24)

Reply:

1. The Department of Justice (DoJ) has resolutely promoted a proper understanding of the Constitution and the Basic Law among government departments through various activities, including legal conferences, seminars, publications, etc. The details of such activities in the past 5 years are as follows:

	Legal Conference	Seminar	Publication
2019-2020		7 Basic Law seminars for civil servants	Basic Law Bulletin
2020-2021	Basic Law 30th Anniversary Legal Summit	(a) 2 Basic Law seminars for civil servants (b) Education University of Hong Kong - Basic Law and One Country, Two Systems seminar	Basic Law Bulletin

	Legal Conference	Seminar	Publication
2021-2022		4 Basic Law seminars for civil servants	(a) Basic Law Bulletin (b) Basic Law 30th Anniversary Legal Summit Proceedings
2022-2023	Hong Kong Special Administrative Region 25th Anniversary Legal Conference on Basic Law	5 Basic Law seminars for civil servants	(a) Basic Law Bulletin (b) Basic Law: Selected Drafting Materials and Significant Cases
2023-2024		(a) 8 Basic Law seminars for civil servants (b) The Hong Kong Academy for Performing Arts - Seminar on the Constitutional Order of the HKSAR	(a) Basic Law Bulletin (b) The Proceedings of HKSAR 25th Anniversary Legal Conference on Basic Law

The DoJ’s work on promoting the Hong Kong National Security Law (HKNSL) among different government departments in the past 5 years are as follows:

(i) National security education training for Government Counsel (GC)

Enhancing national security laws and ensuring a proper enforcement of the laws form an integral part of the DoJ’s work. As GC of different divisions may have to deal with matters involving national security, it is necessary for them to stay highly alert for national security and possess a solid knowledge of national security laws. It is for this reason that the DoJ, starting from the 3rd quarter of 2023, has organised periodic and regular national security education seminars for nearly 400 GC to enable them to have a comprehensive understanding of the concept of “national security” and to keep abreast of the key aspects and latest developments of national security laws. More importantly, the seminars seek to enhance GC’s awareness of national security and build up a team of GC with a sense of belonging to our country, a sense of national identity and affection, with a view to providing a strong impetus for the steady and successful implementation of “one country, two systems” and the good governance of the Hong Kong Special Administrative Region (HKSAR).

On 27 September 2023, the DoJ held the opening ceremony of the training and the first lecture. Mr Zheng Yanxiong, the Director of the Liaison Office of the Central People’s Government in the HKSAR and National Security Adviser to the Committee for Safeguarding National Security of the HKSAR, was invited to officiate the opening ceremony and deliver the first lecture. The second lecture was held on 24 January 2024. The DoJ will continue to organise periodic and regular seminars on national security laws and related issues for GC as an sustained effort to enhance GC’s comprehensive understanding of national security laws and the concept of national security.

(ii) A talk by Mainland experts

In a bid to ensure that GC of the DoJ have accurate knowledge and understanding of the HKNSL, the DoJ organised a talk by Mainland experts in August 2023 during which 3 renowned legal experts and academics from the Mainland had an in-depth sharing with some 400 GC on topics about national security and the HKNSL.

(iii) Training on the Basic Law and the HKNSL for new recruits to the Civil Service

GC of the DoJ served as speakers in the training on the Basic Law and the HKNSL provided by the Civil Service College of the Civil Service Bureau (CSB) for new recruits and offered legal advice on the training materials of relevant programmes. The programmes were tailor-made for civil servants and aimed to facilitate their proper understanding of national security, the HKNSL and the executive authorities' duty to safeguard national security.

(iv) Annotations of the Hong Kong National Security Law and Sedition Offences in the Crimes Ordinance

After the publication of "Annotations of the Hong Kong National Security Law and Sedition Offences in the Crimes Ordinance" (English version) in December 2023, the DoJ plans to publish a Chinese version of the annotations this year. The annotations collate and summarise court cases concerning the HKNSL and sedition offences in the Crimes Ordinance, which have been incorporated into Division 4 of Part 3 of the Safeguarding National Security Ordinance, with a view to promoting a better understanding in all sectors of the community (including government departments) of the HKNSL and the crime of sedition and serving as a convenient and practical tool for national security education and legal research on the national security laws.

(v) HKNSL Legal Forums and their proceedings

To deepen the understanding of the HKNSL among different sectors of the community (including government departments), the DoJ held an HKNSL Legal Forum themed "Security Brings Prosperity" on 5 July 2021 for in-depth discussions and exchange of views on the application and construction of the HKNSL. Another HKNSL Legal Forum themed "Thrive with Security" was held on 28 May 2022 to review the implementation of the HKNSL and to explore issues at the forefront of safeguarding national security. Government officers were among the attendees of the forums. The proceedings, which comprise the speeches and discussions at the forums, were widely distributed to government departments, etc., with a view to enhancing the proper understanding of the HKNSL among the civil service.

The DoJ also plans to hold an HKNSL Legal Forum again this year focusing on the implementation of the HKNSL and the latest development in laws on safeguarding national security. To enhance the understanding of the HKNSL and relevant issues among the civil service, attendees will include government officers.

(vi) Articles and Reference Materials on the HKNSL

To bolster the proper understanding of the HKNSL in all sectors of the community (including government departments), the Security Bureau (SB) and the DoJ jointly published the Articles

and Reference Materials on the HKNSL in June 2021. Comprising articles of experts' discussions on the HKNSL and relevant issues, the publication had been widely distributed to government departments, etc., with a view to enhancing the proper understanding of the HKNSL among the civil service.

Besides, to enhance the promotion of rule of law education and to facilitate the co-ordination of and co-operation in this area of work among government departments and non-governmental organisations, the DoJ established the Steering Committee on Rule of Law Education (Steering Committee) in February 2023 to provide advice and assistance to the DoJ in relation to its strategies and programmes for promoting rule of law education in Hong Kong. Chaired by the Secretary for Justice (SJ), the Steering Committee comprises members from the relevant bureaux (namely the CSB, the Constitutional and Mainland Affairs Bureau, the Education Bureau, the Home and Youth Affairs Bureau, the SB and the DoJ), the judiciary and the legal sector, as well as local law schools.

With the assistance of the Steering Committee, the DoJ launched the new "ROLE Stars Train-the-Leaders Programme" (TTL Programme) in November 2023, which seeks to provide training for members of the public from different sectors, to enhance their ability and effectiveness in disseminating proper messages on the rule of law to others in their diverse roles and capacities in the community, with the aim of promoting rule of law education on all fronts. Through an approach that is diversified, down-to-earth, easy-to-understand and interactive, the first phase of the TTL Programme introduced to the trainees, among others, the relationship between Hong Kong's rule of law and national laws including the Constitution, the Basic Law and the HKNSL under the principle of "one country, two systems", the basic elements of the Mainland legal system and the key features of the common law system in Hong Kong.

Regarding the establishment and expenditure on promoting the Constitution and the Basic Law, all officers of different divisions of the DoJ have to be engaged and participate in the relevant work. In particular, the Basic Law Unit (BLU) under the Constitutional and Policy Affairs Division and the Legal Enhancement and Development Office (LEAD Office) established under the Secretary for Justice's Office (SJO) play the most instrumental role.

The establishment and estimated annual expenditure on emoluments of the BLU and the LEAD Office for the past 5 years are tabulated below:

Establishment	Estimated annual expenditure on emoluments (notional annual mid-point salary)				
	2019-20	2020-21	2021-22	2022-23	2023-24
<u>BLU</u> (Note1) 1 Deputy Principal Government Counsel (DPGC), 4 Senior Government Counsel (SGC), 1 Government Counsel (GC), 1 Law Clerk (LC), 1 Personal Secretary (PS) I and 2 PS II	\$10,400,700	\$10,902,300	\$10,902,300	\$10,902,300	\$11,174,700
<u>LEAD Office</u> (Note2) 2 Principal Government Counsel (PGC), 1 DPGC, 1 Assistant Principal Government Counsel (APGC), 3 SGC, 3 GC, 1 LC and 2 PS I	Not applicable	Not applicable	Not applicable	\$7,491,840 (Only covered the expenses during the 6-month period from October 2022 to March 2023)	\$19,120,200

Note 1: In 2020-21, 1 Assistant Clerical Officer (ACO) post was regraded to 1 PS II post, which does not involve additional estimated annual expenditure on emoluments.

Note 2: Among the posts in the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited. Staff on loan from other divisions are not included in the above table.

Before the LEAD Office was established in October 2022 to succeed and replace the former Inclusive Dispute Avoidance and Resolution (IDAR) Office, the latter had also been responsible for promoting the Constitution and the Basic Law. The establishment and estimated annual expenditure on emoluments of the former IDAR Office in the past 5 years are tabulated below:

Estimated annual expenditure on emoluments (notional annual mid-point salary)
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1 PGC, 2 SGC, 1 GC, 1 LC, 1 PS I and 1 ACO	2019-20	2020-21	2021-22	2022-23	2023-24
	\$1,865,100 (Note 1)	\$5,300,580 (Note 2)	\$7,951,380	\$3,975,690 (Only covered the expenses during the 6-month period from April to September 2022)	N/A

Note 1: The estimated annual expenditure on emoluments for 2019-20 only included 1 SGC and 1 LC.

Note 2: As the PGC post had not been created when the estimated expenditure for 2020-21 was calculated, the estimated annual expenditure on emoluments for 2020-21 did not include the expenses of that post.

As the promotion work is/was undertaken by the above officers among their other duties, the manpower/expenditure actually involved cannot be separately identified. The expenditures on the relevant publicity and education are absorbed by the existing resources of the DoJ.

Moving forward, the DoJ will sustain its efforts in fostering the proper understanding of all facets of the Constitution, the Basic Law and the HKNSL among the civil service through different activities (such as seminars) and publications. It also plans to invite authoritative scholars to deliver talks for all DoJ's counsel to deepen their understanding of the relevant laws and regimes of our country.

Furthermore, with the assistance of the Steering Committee and its working groups, the DoJ will launch the second phase of the TTL Programme within 2024. It is expected to include foundation training programme (based on the curriculum in the first phase) and advanced training programme focusing on the practice of the rule of law (during which visits to law-related institutions or mock court activities will be arranged), so as to enhance the understanding of "one country, two systems", the Constitution, the Basic Law, the HKNSL and the Mainland legal system across all sectors.

2. The DoJ and relevant bureaux will work together to explain the Safeguarding National Security Ordinance to the general public (including the civil service) in order to enhance their understanding of the ordinance.

- End -

CONTROLLING OFFICER'S REPLY

SJ038

(Question Serial No. 1410)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the promotion of mediation and the online mediation platform in the Greater Bay Area (GBA), would the Government inform this Committee of:

1. the current number of mediators in Hong Kong;
2. the numbers, details, modes, numbers of participants and related expenditures of the activities for promoting mediation in the past 3 years;
3. the establishment, ranks and related expenditures and the respective percentages of permanent posts and supernumerary posts responsible for promoting mediation;
4. the establishment, ranks and related expenditures and the respective percentages of permanent posts and supernumerary posts responsible for the online mediation platform in the GBA;
5. the timetable and expenditure for establishing and implementing the online mediation platform in the GBA, the estimated number of cases to be handled each year and the target number of beneficiaries.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 12)

Reply:

1. The Hong Kong Mediation Accreditation Association Limited (HKMAAL) is responsible for setting standards for accredited mediators, supervisors, assessors, trainers, coaches and other professionals involved in mediation in Hong Kong, and accrediting them upon satisfying the requisite standards. According to the information provided by HKMAAL, there was a total of 2 217 General Mediators, 314 Family Mediators and 62 Family Mediation Supervisors as at March 2024.

2. The major activities of the Department of Justice (DoJ) for promoting mediation in the past 3 years are as follows:

(i) “Mediate First” Pledge Campaign

The DoJ has been organising the biennial “Mediate First” Pledge Event since 2013, with the aim of encouraging all sectors of the community to first explore the use of mediation to resolve disputes. The DoJ has also launched the “Mediate First” Pledge Star Logo Award Scheme to award Star Logo to pledgees meeting the award criteria as a recognition of their achievements in promoting and using mediation, thereby encouraging them to continue to fulfil their “Mediate First” pledge and actively consider using mediation to resolve disputes.

The “Mediate First” Pledge Event 2023 was held under the theme of “Mediate First - Let’s Do This Together”. A drama was staged and a diversity of speakers from different sectors were invited to discuss the use of mediation for resolving various kinds of disputes. The event attracted a total of 1 352 participants (including online participants) from 17 different jurisdictions.

So far, there are 857 pledgees, including small and medium enterprises, law firms, counsel’s chambers and accounting firms. Besides, the DoJ has awarded the Star Logo Award to 106 pledgees. The DoJ will continue to assist in building up a mediate first culture across different sectors of the community by organising talks and experience sharing sessions.

(ii) Mediation Week and Mediation Conference

To promote and encourage the wider use of mediation in Hong Kong, the DoJ has been organising the biennial Mediation Week since 2012, featuring a range of activities such as demonstration sessions and seminars, and the Mediation Conference. The DoJ organised Mediation Week and Mediation Conference in May 2022. Themed “Mediate First - Harmony from Now to Beyond”, the Mediation Conference aimed to further promote and encourage the public to use mediation to resolve different types of disputes. The conference attracted over 1 200 online participants, whereas more than 1 500 participants (including online participants) took part in the Mediation Week in 2022.

The DoJ will hold Mediation Week cum Mediation Conference 2024 in May this year.

(iii) International promotional event “Resolve2Win Campaign”

The DoJ co-organised with the Hong Kong Trade Development Council a large-scale outreach promotional event entitled “Resolve2Win Campaign” to promote Hong Kong’s dispute resolution services in Bangkok, Thailand in March 2023, and held the Signing Ceremony of the “Mediate First” Pledge. The event attracted over 200 participants from various sectors such as financial, legal and professional services.

(iv) School Mediation Seminar and Mediation Essay Competition

The DoJ, the Education Bureau, Rotary International District 3450 and the Joint Mediation Helpline Office co-organised the School Mediation Seminar on 2 May 2022. With the theme of “Peer Mediation - a Must-have Tool for Schools”, the Seminar featured the 5th Hong Kong Secondary School Peer Mediation Competition Final, in which students became young aspiring mediators and showcased their peer mediation skills. Speakers with extensive

experience in peer mediation were also invited to explore common disputes among students that were suitable for mediation and how peer mediation could be used to prevent escalation of school disputes from the various perspectives of mediator, lawyer, teacher and social worker. The Seminar attracted 202 participants.

The DoJ also organises the Mediation Essay Competition, which aims to raise public awareness on the use of mediation as an amicable means to resolve disputes, whether in school, at home, in business context or in general disputes, and to promote the use of mediation skills as life skills. It is hoped that through the competition, students will be encouraged to develop a positive and constructive mindset in dispute resolution, thereby understanding the importance of resolving conflicts amicably and maintaining harmonious relationships in their lives. The 3rd Mediation Essay Competition with the theme of “Mediation: Fostering School-Family-Community Partnerships” was open for application from September 2023 to February 2024, with 376 entries received in total. The results of the Mediation Essay Competition were announced in March 2024 and the Prize Presentation Ceremony will be held on 6 May 2024.

(v) Mediation-related seminars

To further promote the extensive use of mediation in dispute resolution, the DoJ organises mediation-related seminars from time to time. For example, the DoJ organised a webinar entitled “Private Wealth Management in Hong Kong - the Best Option” with the Financial Services and the Treasury Bureau and Invest Hong Kong on 18 October 2021. Distinguished representatives from local wealth management and legal sectors discussed the latest policy initiatives of the local private wealth management industry and Hong Kong’s legal services. The webinar was attended by 202 participants, most of whom were legal professionals or senior staff of banks or financial institutions.

The DoJ held the Seminar on Cross-boundary Family Mediation on 16 February 2022. In order to raise public awareness of the use of mediation in cross-boundary family disputes, representatives of the legal and family mediation sectors from the Mainland and Hong Kong were invited to examine the changes brought about by the implementation of the new mechanism under the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance on cross-boundary family litigation and related mediation. The webinar was attended by 683 participants.

The DoJ and the Judiciary co-organised a seminar entitled “The Launch of the Integrated Mediation Office (West Kowloon) of the Judiciary” in May 2022. Acting Principal Adjudicator of the Small Claims Tribunal (SCT) and Adjudicator of the SCT were invited to share their insights on the use of mediation in small claim cases. Attended by 344 participants, the seminar not only gave the public and the legal and mediation sectors a better understanding of the services and operation of the newly-established Integrated Mediation Office (West Kowloon), but also encouraged parties of small claim cases to resolve their disputes by mediation in the future.

To enhance exchanges between Hong Kong and international mediation sectors, the DoJ co-organises the Hong Kong Mediation Lecture with a law firm every year, where internationally renowned speakers are invited to share views on different topics of mediation. The Hong Kong Mediation Lecture 2023, with the theme of “Resolving International Disputes Through

Mediation - Where We Stand, Challenges and Opportunities Ahead”, explored the legal framework and practice of international mediation in resolving disputes between states, investor-state disputes and international commercial disputes, and extensively discussed the establishment and the role of the International Organization for Mediation. The lecture has also explored the challenges and opportunities faced by mediation in resolving international disputes, which attracted 205 participants (including online participants).

The overall expenditure involved in the above activities cannot be separately identified, and all related expenditures will continue to be absorbed by the existing resources of the DoJ.

3. The promotion of mediation is mainly undertaken by the Alternative Dispute Resolution Team of the Civil Division, with the assistance of the Legal Enhancement and Development Office (LEAD Office) under the Secretary for Justice’s Office and Team 3 ^{Note 1} of the Mutual Legal Assistance Unit of the International Law Division from time to time as necessary. The relevant establishment and estimated annual expenditure on emoluments for 2024-25 are tabulated below:

	Establishment for 2024-25	Estimated annual expenditure on emoluments for 2024-25 (notional annual mid-point salary value)
Alternative Dispute Resolution Team	2 Deputy Principal Government Counsel (DPGC), 6 Senior Government Counsel (SGC), 8 Government Counsel (GC), 3 Law Clerks (LC), 2 Personal Secretaries (PS) I, 1 PS II and 2 Assistant Clerical Officers	\$26,835,240
LEAD Office ^{Note 2}	2 Principal Government Counsel (PGC), 1 DPGC, 1 Assistant Principal Government Counsel (APGC), 3 SGC, 3 GC, 1 LC and 2 PSs I	\$19,693,920
Team 3 of the Mutual Legal Assistance Unit	1 DPGC ^{Note 3} , 2 SGC and 1 PS I	\$6,098,760

Staff on loan from other divisions are not included in the above table. As the promotion work is undertaken by the above officers among their other duties, the manpower/expenditure actually involved in the relevant work cannot be separately identified.

Note 1: Team 3 of the Mutual Legal Assistance Unit will be established in 2024-25.

Note 2: Among these posts of the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited.

Note 3: The DoJ consulted the Legislative Council Panel on Administration of Justice and Legal Services and the Establishment Sub-committee on the proposed creation of the directorate post on 26 February 2024 and 27 March 2024 respectively, and obtained

Members' support. The DoJ will seek the approval of the Finance Committee on the proposed creation of the post on 26 April 2024.

4. At the fifth Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Legal Departments Joint Conference held in December 2023, the DoJ proposed to jointly strengthen co-operation among arbitration and mediation institutions in the three places and to develop an online dispute resolution platform in the GBA. The proposal was supported by the legal departments of Guangdong Province and Macao. The three parties reached a consensus on the joint development of an online dispute resolution platform. Starting with the sharing of information and resources among arbitration and mediation institutions in the GBA, the three parties will work together to promote the development of a common online dispute resolution platform in the GBA.

The joint development of an online dispute resolution platform aims to integrate relevant online resources in the GBA, facilitate the sharing of legal resources and the interface and application of rules in the cities in the GBA, and aligns with the 14th Five-Year Plan to fully realise the digitalisation of the modes of dispute resolution for optimising diversified dispute resolution mechanisms such as arbitration and mediation in the GBA.

The collaborative proposal to develop an online dispute resolution platform in the GBA is taken forward by a non-governmental organisation, eBRAM International Online Dispute Resolution Centre (eBRAM), a pioneer in online dispute resolution and LawTech with the DoJ's support. The DoJ will utilise its existing resources and manpower to take forward the work of the online dispute resolution platform in the GBA.

5. We understand that eBRAM has already commenced the development of a collaborative online dispute resolution platform to take forward the collaborative proposal to jointly develop such a platform in the GBA, with the support from a total of 7 arbitration and mediation institutions in Guangdong Province (Dongguan, Zhuhai, Guangzhou, Zhaoqing, Foshan) and Macao.

eBRAM is now liaising with other arbitration and mediation institutions in the GBA with a view to signing memoranda of understanding with more such institutions as soon as possible. Meanwhile, eBRAM is discussing with arbitration and mediation institutions in the GBA the details of co-operation in establishing a main website, with the theme website expected to be launched in mid-2024 at the earliest.

- End -

CONTROLLING OFFICER'S REPLY

SJ039

(Question Serial No. 1411)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the reciprocal recognition of judgments in civil and commercial matters between Hong Kong and the Mainland, would the Government inform this Committee of:

1. the establishment, ranks and related expenditures earmarked and the respective percentages of permanent posts and supernumerary posts responsible for the mechanism developed and operated under the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance;
2. the expenditures related to the mechanism developed and operated under the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance;
3. the establishment, ranks and related expenditures earmarked and the respective percentages of permanent posts and supernumerary posts responsible for taking forward the legislative exercises in respect of the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Rules;
4. the numbers, details, modes and related expenditures of events for promoting the reciprocal recognition of judgments in civil and commercial matters in the past 3 years?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 13)

Reply:

1 & 2

The Judiciary takes charge of the mechanism developed and operated under the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance (the Ordinance). According to the Judiciary, the expenditure related to the implementation of the mechanisms established under the Ordinance forms part of the general operating expenses of the Judiciary. The Judiciary has been flexibly deploying its resources to support the work at different levels of court having regard to operational needs. The relevant expenditure includes the salary and related expenses as well as other operating expenses of Judges and

Judicial Officers and supporting staff in various specified Hong Kong courts ^(Note), who are handling the work related to the Ordinance (alongside all other judicial duties and court business) on a rotational or day-to-day basis. The Judiciary does not maintain the breakdown of operating expenses incurred exclusively for coping with the work related to the implementation of the mechanisms established under the Ordinance.

Note: According to Section 2 of the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance (Cap. 645), “specified Hong Kong court” means the Court of Final Appeal, the Court of Appeal, the Court of First Instance, the Competition Tribunal, the District Court, the Lands Tribunal, the Labour Tribunal or the Small Claims Tribunal.

3 & 4

The Policy Affairs Unit 1 under the Policy Affairs Sub-Division of the Constitutional and Policy Affairs Division of the Department of Justice (DoJ) is responsible for taking forward the legislative exercises in respect of the Ordinance. The establishment, ranks and estimated annual expenditure on emoluments of the unit are tabulated below:

Establishment	Estimated annual expenditure on emoluments (notional annual mid-point salary value)	
	2023-24	2024-25
1 Deputy Principal Government Counsel, 3 Senior Government Counsel, 5 Government Counsel, 1 Law Clerk, 1 Personal Secretary I and 1 Personal Secretary II	\$13,746,480	\$14,162,940

As the above officers undertake such work among their other duties, the manpower and expenditure actually involved cannot be separately identified.

Regarding the promotional work undertaken by the DoJ on the reciprocal enforcement of judgments in civil and commercial matters between Hong Kong and the Mainland in the past 3 years, the numbers of events, dates, modes, collaborating organisations/platforms and details are tabulated below:

No.	Date	Mode	Collaborating organisation/platform	Details
1.	September 2022	Sharing session	The sharing session was co-ordinated by a Legislative Council (LegCo) member.	The Secretary for Justice (SJ) and the Deputy Secretary for Justice (Deputy SJ) explained the new mechanism to Hong Kong Special Administrative Region

No.	Date	Mode	Collaborating organisation/platform	Details
				members of the National Committee of the Chinese People's Political Consultative Conference, LegCo members, the business community and other stakeholders attending the sharing session.
2.	September 2022	Briefing	Women's Commission	A DoJ representative introduced the new mechanism to the audience.
3.	November 2022	Conference	The University of Hong Kong Philip K.H. Wong Centre for Chinese Law - Conference on "One Country Two Systems and Cross-border Legal Harmonization"	A DoJ representative spoke at Panel Three on "Cross-border Dispute Resolution".
4.	November 2022	Talk	The Chinese University of Hong Kong - Centre for Comparative and Transnational Law "Cross-Border Legal Issues Dialogue Seminar Series"	A DoJ representative attended as a keynote speaker to introduce the new mechanism to the audience.
5.	December 2022	Talk	The Small and Medium Law Firms Association of Hong Kong (SAMLAW)	A DoJ representative attended as a keynote speaker to introduce the new mechanism to the SAMLAW members.
6.	December 2022	Article	Hong Kong Lawyer (Official Journal of The Law Society of Hong Kong (The Law Society))	A bilingual article was published to introduce the new mechanism to the readers.
7.	April 2023	Article	China Law (A Mainland law journal)	A bilingual article was published to introduce the new mechanism to the readers.
8.	September 2023	Conference	The Permanent Bureau of the Hague Conference on Private International Law	A DoJ representative attended as a speaker to introduce the new mechanism.
9.	November 2023	Press release	Government website	The DoJ published a press release on the gazettal of the

No.	Date	Mode	Collaborating organisation/platform	Details
				Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Rules and the seminar to be co-organised with the Supreme People's Court (SPC) on 29 January 2024.
10.	November 2023	Social media	-	The SJ issued a Facebook post to clarify certain misinformation about the new mechanism on reciprocal recognition of civil and commercial judgments between the two places.
11.	November 2023	Media interview	X (formerly Twitter)	The Deputy SJ attended an interview to clarify certain misinformation about the new mechanism on reciprocal recognition of civil and commercial judgments between the two places.
12.	November 2023	Media interview	Sing Tao Daily	The Deputy SJ attended an interview to explain the new mechanism.
13.	November 2023	Media interview	Metro Finance FM	The Deputy SJ attended an interview to explain the new mechanism.
14.	November 2023	Seminar	A roundtable meeting entitled "Experience-sharing on Cross-border Transactions under the 14th Five-Year Plan" co-organised by The Law Society and the Guangdong Lawyers Association	A DoJ representative attended as a keynote speaker to introduce the new mechanism to the audience.
15.	December 2023	Talk	The Law Society	The Deputy SJ gave a talk to legal practitioners to explain the new mechanism.
16.	December	Dedicated	-	The DoJ set up a

No.	Date	Mode	Collaborating organisation/platform	Details
	2023	webpage		dedicated webpage to promote the new mechanism.
17.	January 2024	Promotional leaflets	-	The DoJ prepared promotional leaflets for distribution in Hong Kong and in the Economic and Trade Offices in the Mainland.
18.	January 2024	Seminar	Co-organised by the DoJ and the SPC	The DoJ and the SPC co-organised a seminar entitled “New Mechanism for Reciprocal Recognition and Enforcement of Civil and Commercial Judgments between the Courts of Mainland and the Hong Kong Special Administrative Region” to introduce to stakeholders the new mechanism under the relevant arrangement. The seminar attracted around 300 participants to attend in person.
19.	January 2024	Luncheon talk	-	The DoJ organised a luncheon talk on the “New Mechanism for Reciprocal Recognition and Enforcement of Civil and Commercial Judgments between the Courts of Mainland and the Hong Kong Special Administrative Region” to introduce the new mechanism to the business and financial sectors. Over 100 representatives from the 2 sectors attended the talk.

The expenditures of the above activities were absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ040

(Question Serial No. 1420)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the promotion of Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific Region, would the Government inform this Committee of the following:

1. the manpower, establishment, ranks and related expenditures of the Department of Justice (DoJ) at present for promoting Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific Region;
2. the numbers, details, modes and numbers of participants of the activities, and the related expenditures for promoting Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific Region incurred in the past 3 years and earmarked for 2024-25;
3. the reasons for the substantial decrease in the revised estimate for 2023-24 for promoting Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific Region as compared with the original estimate;
4. the reasons for the substantial increase in the estimate for 2024-25 for promoting Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific Region as compared with the estimates for the past 2 financial years?
5. The numbers of international and regional events (including meetings of international organisations, promotional and capacity building events relating to the rule of law and dispute resolution) organised by the DoJ in 2022 and 2023 were 21 and 23 respectively, but the total number of participants was 91 788 in 2022, which was far higher than 53 639 in 2023. What are the reasons?
6. Further to the question above, given that the DoJ expects the number of events to be organised in 2024 to increase to 28, what are the reasons for the further decrease in the number of participants to 44 475?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 22)

Reply:

1. Officers of different divisions of the Department of Justice (DoJ) are involved in the promotion of Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific region. In particular, the Legal Enhancement and Development Office (LEAD Office) under the Secretary for Justice (SJ)'s Office, the Civil Division (CD) and the International Law Division (ILD) play the most instrumental role.

The LEAD Office was established in October 2022 under the SJ's Office and the direct steer of the SJ to render high-level strategic support to the SJ and Deputy SJ, including assisting in the further formulation and co-ordination of the work on promoting Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond. Other units of the DoJ will also provide assistance as and when required.

The LEAD Office works closely with relevant teams of the ILD to take forward policy initiatives in promoting Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific region and under the Belt and Road (B&R) Initiative at the international level, as well as enhancing Hong Kong's status as a capacity building centre in international law (including organising various capacity building events and implementing a number of secondment programmes to international organisations). In particular, Team 3 ^{Note 2} of the Mutual Legal Assistance Unit of the ILD will provide support for the work related to, among others, the International Organization for Mediation (IOMed).

The Alternative Dispute Resolution Team of the CD, apart from handling the work of its own, also provides support to the LEAD Office.

The establishments of the LEAD Office, the Alternative Dispute Resolution Team and Team 3 of the Mutual Legal Assistance Unit are tabulated below:

	Establishment for 2024-25	Estimated annual expenditure on emoluments for 2024-25 (notional annual mid-point salary value)
LEAD Office ^{Note 1}	2 Principal Government Counsel, 1 Deputy Principal Government Counsel (DPGC), 1 Assistant Principal Government Counsel (APGC), 3 Senior Government Counsel (SGC), 3 Government Counsel (GC), 1 Law Clerk (LC) and 2 Personal Secretaries (PS) I	\$19,693,920
Alternative Dispute Resolution Team	2 DPGC, 6 SGC, 8 GC, 3 LCs, 2 PSs I, 1 PS II, and 2 Assistant Clerical Officers	\$26,835,240
Team 3 of the Mutual Legal Assistance Unit	1 DPGC ^{Note 3} , 2 SGC and 1 PS I	\$6,098,760

Staff on loan from other divisions are not included in the above table.

Note 1: Among the posts in the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited.

Note 2: Team 3 of the Mutual Legal Assistance Unit will be established in 2024-25.

Note 3: The DoJ consulted the Legislative Council Panel on Administration of Justice and Legal Services and the Establishment Sub-committee on the proposed creation of the directorate post on 26 February 2024 and 27 March 2024 respectively, and obtained Members' support. The DoJ will seek the approval of the Finance Committee on the proposed creation of the post on 26 April 2024.

As the promotion work is undertaken by the above officers among their other duties, the manpower/expenditure actually involved cannot be separately identified.

2. The names and details of the events organised by the DoJ for promoting Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific region in the past 3 years and in 2024-25 are as follows:

I. Regular events

- (i) Organising the annual flagship event, the Hong Kong Legal Week, in November each year to bring together legal and dispute resolution experts and academics from around the world to explore important topics, including international legal co-operation, mediation, arbitration and rule of law education through a series of activities such as summits and seminars. In 2022, the Hong Kong Legal Week attracted around 8 200 persons from 40 jurisdictions to register for participation in-person or online. In 2023, the event attracted more than 11 000 in-person and online participants from over 50 jurisdictions;
- (ii) Co-organising with the Hong Kong Trade Development Council (HKTDC) a thematic breakout session on dispute resolution at the B&R Summit to promote to participants from around the globe Hong Kong's strengths and opportunities in resolving B&R-related disputes. In 2022, a total of 208 participants attended the thematic breakout session in person whereas 778 participants attended online. In 2023, a total of 430 participants attended the thematic breakout session in person;
- (iii) Co-organising with the HKTDC a thematic breakout session on dispute resolution at the Business of Intellectual Property Asia Forum where world-renowned experts are invited to explore the latest developments and dispute resolution related issues concerning intellectual property, and promoting the strengths of Hong Kong in resolving intellectual property disputes in the international arena and the Guangdong-Hong Kong-Macao Greater Bay Area (GBA). The thematic breakout sessions held in 2022 and 2023 attracted 226 and 181 participants respectively;
- (iv) Co-organising with the Vis East Moot Foundation Limited the Vis East International Commercial Arbitration Moot to foster research in international commercial arbitration

and to nurture professionals in international commercial arbitration. The Vis East International Commercial Arbitration Moot in 2023 was held on 20 March 2023 with a total of 560 students and coaches from 111 schools and over 255 arbitrators joining the event. The moot this year was held from 10 to 17 March, attracting the participation of over 650 students and coaches from 149 university teams and over 300 arbitrators from across the globe;

- (v) Co-organising with the Herbert Smith Freehills the Hong Kong Mediation Lecture in the Hong Kong Legal Week, where internationally renowned speakers will be invited to share views on different topics of mediation, including the current state, challenges and opportunities in resolving international disputes through mediation, the latest development of investor-state mediation, the relationship between modern mediation practice and the equity system, as well as the mediation principles of confidentiality and privilege in court-annexed and court-based mediation services, with a view to facilitating in-depth exchanges between Hong Kong and international mediation sectors. The third Hong Kong Mediation Lecture was held on 3 November 2021 in the Hong Kong Legal Week 2021, with a total of 210 participants from 21 jurisdictions registering for the event. The fourth Hong Kong Mediation Lecture was held on 9 November 2022 in the Hong Kong Legal Week 2022, which attracted around 280 participants from 10 jurisdictions, including approximately 63 participants attending the event in person. The fifth Hong Kong Mediation Lecture was held on 8 November 2023 in the Hong Kong Legal Week 2023, which attracted over 200 participants from 12 jurisdictions, including about 80 participants attending the event in person;
- (vi) Organising a seminar on the “Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region” (the Arrangement) to discuss the benefits and changes brought to arbitration users following the implementation of the Arrangement, facilitate the sharing of practical experience among participants from various sectors, and provide a way forward for the future development of mutual assistance between the Mainland and Hong Kong in arbitration matters. The seminar co-organised with the China International Economic and Trade Arbitration Commission Hong Kong Arbitration Center was held virtually on 17 August 2021, with an attendance of 178 participants. The seminar co-organised with the South China International Arbitration Center (HK) was held in hybrid mode (online and in-person) on 14 October 2022, which attracted over 1 500 participants. The seminar co-organised with the International Court of Arbitration of the International Chamber of Commerce (ICC) was held physically on 30 June 2023, with a total of 43 participants attending the event. The seminar co-organised with the Supreme People’s Court was held physically on 17 October 2023, with a total of 130 participants;
- (vii) Organising the biennial “Mediate First” Pledge Event with the aim of encouraging all sectors of the community to explore the use of mediation to resolve disputes before resorting to other means of dispute resolution or litigation. The “Mediate First” Pledge Event 2023 was held under the theme of “Mediate First - Let’s Do This Together”. A drama was staged and a diversity of speakers from different sectors were invited to discuss the use of mediation for resolving various disputes. The event concluded with a Signing Ceremony of the “Mediate First” Pledge and the Star Logo Award Ceremony. Held at the Hong Kong Convention and Exhibition Centre in a hybrid mode on 5 May

2023, the event attracted a total of 288 in-person participants and 1 064 online participants. As at 29 February 2024, there were 857 pledgees, 106 of whom were awarded the Star Logo Award. The pledgees include small and medium enterprises, law firms, counsel's chambers and accounting firms. The DoJ will continue to assist in building up a mediate first culture across different sectors of the community by organising talks and experience sharing sessions; and

- (viii) Organising the biennial Mediation Week featuring a range of activities such as demonstration sessions and seminars to promote and nurture mediation culture and showcase the professional mediation services of Hong Kong to the local and international communities. The Mediation Conference held during the event brings together renowned speakers from Hong Kong and overseas to discuss and exchange views on hot topics of mediation such as the United Nations Convention on International Settlement Agreements Resulting from Mediation, online dispute resolution, family and matrimonial disputes in the GBA and the metaverse, attracting participants from various jurisdictions around the world and promoting the wider use of mediation locally, in the GBA and internationally. The Mediation Week and the Mediation Conference were organised by the DoJ in May 2022. Themed “Mediate First - Harmony from Now to Beyond”, the Mediation Conference 2022 aimed to further promote and encourage the public to use mediation to resolve various types of disputes. The conference attracted over 1 200 online participants, whereas more than 1 500 participants (including online participants) took part in the Mediation Week in 2022. The Mediation Week and Mediation Conference 2024 will be held between 6 and 10 May 2024 in a hybrid mode (online and in-person).

II. Other events

- (ix) The GBA mediation platform was endorsed and established at the GBA Legal Departments Joint Conference in December 2020. The legal departments of the three governments, with their joint efforts, promote the extensive use of mediation for dispute resolution in the GBA. The platform promulgated and endorsed the GBA Mediator Accreditation Standards and the GBA Mediator Code of Conduct Best Practice in 2021, and endorsed the GBA Cross Boundary Disputes Mediation Model Rules in 2022. It was endorsed at the GBA Legal Departments Joint Conference in December 2023 that the local rules implementing the GBA Mediator Accreditation Standards would be formulated and promulgated by the three places respectively. The DoJ is carrying out preparatory work for facilitating the three places to establish their own panel of qualified GBA mediators;
- (x) Organising a seminar entitled “A New Chapter to Arbitration in Hong Kong: Outcome Related Fee Structures for Arbitration (ORFSA)” in May 2022. Distinguished speakers shared their insights from different perspectives as to how the ORFSA, which provides additional options for clients and their lawyers to create the most suitable fee arrangements in arbitration, would change the arbitration landscape in Hong Kong. The seminar attracted about 380 participants;
- (xi) Co-organising with Invest Hong Kong and the ICC-Hong Kong seminars on arbitration funding options in Hong Kong in February and June 2023 respectively to promote various arbitration funding options available in the city, including the ORFSA regime

which has been fully implemented since December 2022, among the legal and dispute resolution sectors and relevant stakeholders. The seminar, held in February, attracted no less than 230 persons from over 20 jurisdictions to register for participation, while the one in June attracted over 100 in-person and online participants;

- (xii) Co-organising with the HKTDC a large-scale outreach promotional campaign entitled “Resolve2Win”, and promoting Hong Kong’s dispute resolution services in Bangkok, Thailand in March 2023. The event attracted more than 200 participants from different sectors such as financial, legal and professional services;
- (xiii) Supporting the hosting of the biennial International Council for Commercial Arbitration (ICCA) Congress in Hong Kong in May 2024 by the Hong Kong International Arbitration Centre. As the largest regular international arbitration conference of its kind worldwide, the ICCA Congress is known for its major contribution to international dispute resolution and will attract experts from the global arbitration community to Hong Kong, with a view to consolidating Hong Kong’s leading position as a centre for international legal and dispute resolution services in the Asia-Pacific region and beyond. As at 21 March 2024, the ICCA Congress has attracted a total of 643 people from 59 jurisdictions to register for participation in the event. We expect that the registration number will continue to grow in the next 2 months;
- (xiv) Holding the Seminar on Cross-boundary Family Mediation on 16 February 2022. In order to raise public awareness of the use of mediation in cross-boundary family disputes, representatives of the legal and family mediation sectors from the Mainland and Hong Kong were invited to examine the changes brought about by the implementation of the new mechanism under the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance on cross-boundary family litigation and related mediation. The webinar was attended by 683 participants; and
- (xv) Organising the sixth Hong Kong Legal Services Forum with the theme of “Sichuan, Chongqing and Hong Kong Join Hands for a Brighter Future” in Chengdu in August 2023 to promote Hong Kong’s international legal and dispute resolution services. The SJ led a delegation of over 100 members to explore legal issues of interest to Sichuan and Chongqing enterprises in the context of international trade and foreign investments, and introduce Hong Kong’s international legal and dispute resolution services. The Forum attracted an attendance of over 1 200 local legal practitioners and trade representatives.

The overall expenditure involved in the above measures cannot be separately identified, and all related expenditures will continue to be absorbed by the existing resources of the DoJ.

3. The estimate is the overall estimated expenditure for promoting and developing Hong Kong’s legal and dispute resolution services by various divisions and units of the DoJ. The original estimate for 2023-24 is an estimation made at the end of 2022, whereas the revised estimate for 2023-24 is the latest estimation by relevant units based on the actual expenditure or updated information of events at the end of 2023.

4. To promote and develop Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific region, the DoJ, apart from continuing to organise and co-organise various events, is also committed to facilitating international law-related organisations and dispute resolution institutions to set up offices in Hong Kong. The DoJ has collaborated with a number of international organisations and attained concrete results, including setting up offices in Hong Kong, signing relevant memoranda of co-operation, encouraging exchanges and visits between legal or judicial officers of both sides, partaking in joint capacity-building programmes and forging consensus on other collaboration projects. For example, the Asia-Pacific Regional Office of the Hague Conference on Private International Law was established in Hong Kong in 2012, the Asian-African Legal Consultative Organization Hong Kong Regional Arbitration Centre was established and set up its office in the Hong Kong Legal Hub in May 2022, and the DoJ is discussing with the International Institute for the Unification of Private Law about co-organising conferences or events on relevant topics in Hong Kong in 2024. The DoJ will keep striving to attract those international organisations which have yet to establish a presence in Hong Kong to set up offices here in order to enhance our international influence (especially in the Asia-Pacific region). Meanwhile, with the support from the Central People's Government, we have successfully secured the hosting of the headquarters of the IOMed in Hong Kong upon its establishment, and will proactively complement the continuous efforts of the Ministry of Foreign Affairs in pursuing the relevant work. The DoJ will also make ongoing and robust efforts to explore the signing of memoranda of co-operation with other countries and the feasibility of pursuing other plans for legal collaboration and exchanges in order to foster international exchanges and co-operation between legal officials and professionals in Hong Kong and those in overseas jurisdictions. The DoJ also enhances its efforts in taking forward the existing secondment programmes for legal professionals with relevant international organisations, so as to foster exchanges and close partnerships. Besides, the DoJ will set up a dedicated office and an expert committee in 2024 to take forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy). A designated working group has been set up within the DoJ to actively take forward the establishment of the Hong Kong International Legal Talents Training Office and to prepare for the establishment of the Hong Kong International Legal Talents Training Expert Committee in 2024. Building on the foundation of the existing capacity-building centre, the Academy will regularly organise practical legal courses, seminars and international exchange activities, etc. to nurture legal talents. The aforesaid new developments and the work involved call for substantial additional resources, hence an increase in the estimate.

5. Due to the impact of the COVID-19 pandemic, a majority of events organised during the pandemic were held virtually, and the numbers of participants further included viewers through broadcast on television channels, which did not involve any additional expenditures borne by the DoJ. As the pandemic became more stable, international and regional events in 2023 gradually resumed in-person mode, which led to the decrease in the numbers of participants of the events in 2023.

6. Further to the above reply, as most international and regional events held in 2024 have resumed or will resume in-person mode after the pandemic, the estimated numbers of participants of the relevant events in 2024 have been further adjusted accordingly.

- End -

CONTROLLING OFFICER'S REPLY

SJ041

(Question Serial No. 1421)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

As it is mentioned by the Department of Justice (DoJ) that it will explore further opportunities for Hong Kong legal and dispute resolution professionals to provide services in the Mainland, would the Government inform this Committee of:

1. the manpower, establishment, ranks and relevant expenditure involved in securing such service opportunities;
2. the details of service opportunities successfully secured by the DoJ in the past 5 years, including the particulars and numbers of opportunities, Mainland cities concerned and numbers of beneficiaries;
3. the details and timetable of service opportunities anticipated to be secured by the DoJ in 2024-25?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 23)

Reply:

1. Hong Kong's position as an international legal and dispute resolution services centre in the Asia-Pacific Region is established under the National 14th Five-Year Plan and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area. In this connection, the Department of Justice (DoJ) is committed to reinforcing the competitiveness of Hong Kong's legal profession, and is actively exploring further opportunities for local legal and dispute resolution professionals to provide services in the Mainland. At present, support for such Mainland-related plans and work is mainly provided by the China Law Unit under the Constitutional Affairs Sub-Division of the Constitutional and Policy Affairs Division and the Legal Enhancement and Development Office (LEAD Office) under the Secretary for Justice's Office.

The establishment and estimated annual expenditure on emoluments of the LEAD Office and the China Law Unit for 2024-25 are tabulated below:

	Establishment for 2024-25	Estimated annual expenditure on emoluments for 2024-25 (notional annual mid-point salary value)
LEAD Office	2 Principal Government Counsel, 1 Deputy Principal Government Counsel (DPGC), 1 Assistant Principal Government Counsel (APGC), 3 Senior Government Counsel (SGC), 3 Government Counsel (GC), 1 Law Clerk (LC) and 2 Personal Secretaries (PS) I	\$19,693,920
China Law Unit	1 DPGC, 2 SGC, 3 GC, 1 LC, 1 PS I and 2 PSs II	\$10,602,000

Note: Among the posts in the LEAD Office, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited. Staff on loan from other divisions are not included in the above table.

As the above officers undertake such work among their other duties, the manpower/expenditure actually involved cannot be separately identified.

2. After the promulgation of the “Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area” in 2019, the DoJ has been actively taking forward the relevant policies and further promoting Hong Kong’s legal and dispute resolution services in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and other Mainland cities in the past 5 years, so as to encourage the legal sector’s proactive integration into the national development.

The major policy measures include:

(I) Facilitating the provision of legal and dispute resolution services in the Mainland by the Hong Kong legal sector and exploring further opportunities for the sector

(1) Measures under the platform of the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)

In the past 5 years, the DoJ actively sought to provide Hong Kong legal practitioners with a more convenient route to obtain practice qualification in the Mainland through the CEPA platform. The threshold for Hong Kong legal practitioners to practise in the Mainland was lowered under the Agreement Concerning Amendment to the CEPA Agreement on Trade in Services (Amendment Agreement) which was signed in November 2019.

The DoJ has also been following up on the liberalisation measures under CEPA which facilitate the Hong Kong legal sector to provide legal services in the Mainland, by maintaining

contact with the sector and discussing with the Mainland authorities in a timely manner, so as to further deepen the liberalisation measures.

(a) The GBA Legal Professional Examination (GBA Examination) and the National Unified Legal Professional Qualification Examination

With the launch of a pilot scheme by the State Council in October 2020, Hong Kong and Macao legal practitioners are allowed to provide legal services in the 9 Mainland cities in the GBA (i.e. Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen and Zhaoqing of Guangdong Province) on certain civil and commercial matters to which the Mainland laws apply upon passing the GBA Examination and obtaining a Lawyer's License (GBA). 3 GBA Examinations had been successfully held. As at the end of December 2023, over 380 Hong Kong and Macao legal practitioners have obtained the Lawyer's License (GBA).

In addition, eligible Hong Kong residents may obtain legal professional qualification in the Mainland by enrolling in the National Unified Legal Professional Qualification Examination. A total of 586 Hong Kong residents passed the examinations held between 2019 and 2023.

(b) Partnership associations and representative offices in the Mainland

Since March 2019, the geographical scope for setting up partnership associations by Hong Kong and Mainland law firms has been expanded from Guangzhou, Shenzhen and Zhuhai to the entire Mainland. The revised trial measures in Guangdong Province were implemented in August 2019, which include removing the minimum capital injection ratio of 30% by Hong Kong law firms, permitting legal practitioners from Hong Kong, Macao and Mainland to be employed in the name of the partnership associations, and allowing partnership associations to handle and undertake legal matters on administrative litigation. As at February 2024, there were a total of 18 partnership associations involving Hong Kong law firms in Guangdong Province, and we understand that there are also partnership associations in Shandong Province, Hainan Province, Hunan Province, Shaanxi Province and Sichuan Province that involve Hong Kong law firms.

Apart from setting up partnership associations, Hong Kong law firms can also set up representative offices in the Mainland. According to the figures provided by The Law Society of Hong Kong, there were a total of 64 representative offices, set up by Hong Kong law firms in the Mainland as at late February 2024.

(2) Measures of “allowing Hong Kong-invested enterprises to adopt Hong Kong law”, “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong” and prioritising the use of Hong Kong legal and dispute resolution services

To further increase development opportunities for Hong Kong's legal and dispute resolution services in the GBA, the DoJ strives to promote the 2 measures of “allowing Hong Kong-invested enterprises to adopt Hong Kong law” and “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong”.

At present, according to the Regulations of the Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone of the Shenzhen Special Economic Zone implemented in

October 2020, Hong Kong and other foreign-invested enterprises registered in the Qianhai Cooperation Zone can agree on the choice of applicable law, including Hong Kong law, in their civil and commercial contracts. The measure of “allowing Hong Kong-invested enterprises to adopt Hong Kong law” adapts the requirement concerning “foreign-related elements” under Mainland laws, facilitating wider use of Hong Kong law by the enterprises in the GBA.

In addition, the measure of “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong” is implemented according to the Opinions of the Supreme People’s Court on Providing Judicial Guarantee for the Building of Pilot Free Trade Zones published in January 2017. The measure enables foreign-invested enterprises (including Hong Kong-invested enterprises) registered in the pilot free trade zones to agree on the choice of arbitration of their contract disputes in a place outside the Mainland (including Hong Kong), whereby the terms and conditions will not be considered invalid despite the absence of foreign-related elements.

The DoJ is actively seeking to further extend the measures of “allowing Hong Kong-invested enterprises to adopt Hong Kong law” and “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong” to all the 9 Mainland cities in the GBA in order to give more flexibility to Hong Kong-invested enterprises to adopt Hong Kong law as applicable law and to choose Hong Kong as the seat of arbitration, with a view to leveraging the strengths of the common law system that connects Hong Kong with the world, and facilitating the development of a market-oriented and international business environment in the GBA, as well as further promoting Hong Kong’s legal and dispute resolution services.

Meanwhile, the DoJ is also actively encouraging Mainland enterprises, as a priority, to adopt Hong Kong law as the applicable law for their contracts, and choose Hong Kong’s dispute resolution services for resolving contractual disputes. The measure can create further opportunities for the legal sector, and at the same time leverage Hong Kong’s unique advantages in international legal and dispute resolution services, and provide comprehensive legal services and safeguards to enable foreign investors to use Hong Kong as a gateway to the Mainland, as well as enable Mainland investors to use Hong Kong as a port to go overseas.

(3) Enhancing the mechanism for mutual legal assistance in civil and commercial matters with the Mainland and consolidating fundamental legal infrastructure

The DoJ has been actively optimising Hong Kong’s legal framework, such that the legal profession can develop quality and diversified professional services under a sound legal system that aligns with international standards. As regards the establishment and enhancement of mechanisms for mutual legal assistance in civil and commercial matters between Hong Kong and the Mainland, the two places have so far concluded 9 arrangements on mutual legal assistance in civil and commercial matters, covering legal procedural assistance, arbitration matters, and reciprocal recognition and enforcement of judgments relating to bankruptcy or winding-up proceedings and other civil and commercial matters. The new mechanism on reciprocal enforcement of civil and commercial judgments between the two places came into operation on 29 January 2024. Meanwhile, the DoJ will actively explore enhancement of the existing mechanisms, including the arrangement on service of judicial documents, to increase the efficiency of service and provide better legal protection and greater facilitation for cross-boundary civil and commercial activities.

(4) The Pilot Scheme on Facilitation for Persons Participating in Arbitral Proceedings in Hong Kong (Pilot Scheme)

Regarding arbitration services, the HKSAR Government extended the Pilot Scheme and expanded its scope to cover all visitors in February 2023. The facilitation provides ease for residents of the Mainland and Macao to participate in arbitration in Hong Kong as ordinary visitors, thereby enhancing Hong Kong's competitiveness in cross-boundary legal services.

(II) Promoting Hong Kong's legal and dispute resolution services

The DoJ has actively promoted Hong Kong's legal and dispute resolution services in the Mainland, assisting the legal sector to explore further opportunities and facilitating its collaboration with the Mainland stakeholders. In 2023, the DoJ and representatives of the legal sector visited Mainland cities (including those in the GBA and beyond) on a number of occasions, including:

(1) In June 2023, the Secretary for Justice (SJ) led a delegation comprising representatives from the 2 legal professional bodies and the Intellectual Property Department to visit Guangzhou and Shenzhen for the purposes of understanding the latest development of the courts and arbitral institutions in the Mainland, and the research, development and application of innovative technology; and conducting thematic exchanges on legal issues relating to intellectual property of both places, the implementation of the measure of "allowing Hong Kong-invested enterprises to adopt Hong Kong law" and the proof of Hong Kong law in Hong Kong-related cases;

(2) The DoJ co-organised with the Hong Kong Trade Development Council the "Sixth Hong Kong Legal Services Forum" under the theme of "Sichuan, Chongqing and Hong Kong Join Hands for a Brighter Future" in Chengdu in August 2023, leading a delegation of over 100 members to promote Hong Kong's legal and dispute resolution services to Mainland enterprises, drawing an attendance of over 1 200 local lawyers and representatives from the legal sector;

(3) The SJ together with a delegation comprising over 60 representatives from the Hong Kong legal and dispute resolution sector attended the second seminar on the legal challenges and coping strategies under the Belt and Road Initiative hosted by the State-owned Assets Supervision and Administration Commission of the State Council and co-organised by the Ministry of Commerce and the DoJ in Beijing in August 2023, to introduce Hong Kong's legal and dispute resolution services to over 150 representatives from 86 state-owned and private enterprises, and to better understand the Mainland's demand for services provided by the Hong Kong legal sector;

(4) The Deputy SJ led a delegation comprising over 30 young solicitors, counsel and law students to visit Huizhou, Shenzhen and Foshan in September and November 2023, to further promote business collaboration between the legal sectors in both places and to encourage young lawyers to seize opportunities in the GBA at an earlier stage and on a larger scale; and

(5) The Deputy SJ led a delegation comprising representatives from the Hong Kong Bar Association, The Law Society of Hong Kong and the legal sector to attend a seminar in Hainan

in September 2023 to promote the unique advantages of Hong Kong's legal and dispute resolution services to around 280 representatives from Mainland enterprises and the legal sector, reinforcing the co-operation between Hainan and Hong Kong.

In addition, the DoJ organised in November 2023 the annual flagship promotional event, Hong Kong Legal Week 2023, which attracted more than 11 000 in-person and online participants from over 50 jurisdictions. Apart from a thematic forum on the GBA, exhibition booths dedicated to showcasing legal services in Hong Kong, Macao and the 9 Mainland cities in the GBA were also set up for the first time to further promote our unique strengths in legal services.

3. The major work plans of the DoJ on further supporting and assisting the legal sector in providing professional services in the Mainland in 2024-25 are as follows:

Building of mechanisms

(1) Prepare for the establishment of a standing interfacing platform with the Supreme People's Court as a high-level, regular and institutionalised official channel between the two sides to take forward together the research and practical work on judicial and legal matters relating to the GBA, with a view to resolving the difficulties caused by the differences in legal systems, facilitating people's livelihood and business interactions, and enhancing the development momentum of the GBA;

(2) Actively promote the establishment of a GBA legal information platform to integrate information on legal and dispute resolution services in the GBA, so as to enhance the exchange and transparency of information within the region;

Regulatory interface

(3) Continue to enhance the mechanism for mutual legal assistance between the two places in civil and commercial matters to facilitate the provision of professional services by the legal sector, so as to provide better legal protection for cross-boundary civil and commercial activities. This includes proactively taking forward and facilitating the negotiation and implementation for an improved mechanism for mutual service of judicial documents in civil and commercial proceedings between the two places together with the Judiciary and the Supreme People's Court, with a view to increasing possible modes of service and enhancing efficiency;

(4) Support Hong Kong mediation institutions in serving as specially invited mediation institutions of the Mainland courts in the GBA and partaking in the handling of commercial mediations; taking forward the formulation and implementation of the accreditation rules and panel of GBA mediators for the interface of the mediation mechanisms of Guangdong, Hong Kong and Macao;

Construction of Talent Team

(5) Continue to complement the work of relevant authorities, including the Ministry of Justice, for implementation of the 4th Guangdong-Hong Kong-Macao Greater Bay Area Legal Professional Examination in June 2024;

(6) Continue to promote the professional training and exchanges of legal professionals in the GBA;

Promotion Work

(7) Plan to organise the international promotional event “Resolve2Win Campaign” with the Hong Kong Trade Development Council in August 2024 for promoting Hong Kong’s dispute resolution services to Mainland cities in the GBA; and

(8) Continue to organise high-level international conferences and professional exchange activities, including the “26th International Council for Commercial Arbitration Congress”, “Mediation Week and Mediation Conference 2024”, and “Hong Kong Legal Week 2024”, so as to further promote the strengths of Hong Kong’s legal system and legal professional services within and outside the country, and consolidate Hong Kong’s position as an international legal and dispute resolution services centre in the Asia-Pacific Region.

- End -

CONTROLLING OFFICER'S REPLY

SJ042

(Question Serial No. 1432)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the establishment of the Hong Kong International Legal Talents Training Academy (the Academy), would the Government inform this Committee of the following:

1. What are the manpower, establishment, ranks and related expenditure of the dedicated office for taking forward the establishment of the Academy?
2. What are the estimated timetable for establishing the Academy, the manpower required, the number of talents to be trained each year and the related expenditure involved?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 34)

Reply:

At present, the Department of Justice (DoJ) has set up an internal working group responsible for taking forward the establishment of the Hong Kong International Legal Talents Training Academy (the Academy) and related work. The Chief Executive's 2023 Policy Address mentions that, within 2024, the DoJ will set up a dedicated office and an expert committee comprising experts and academics at home and abroad to help plan the work of taking forward the establishment of the Academy and set out a clear and detailed long-term road map for the Academy.

Currently, the DoJ organises training, seminars and exchange activities in collaboration with Mainland and Macao institutions and international organisations, and also organises programmes for law students and young legal talent. The Academy will plan, organise and launch training programmes focusing on legal practices and procedures based on the existing training and capacity building programmes of the DoJ. Building on the existing capacity building programmes, the Academy will nurture relevant talents through organising regular legal training, seminars and international exchange activities, etc.

To take forward the establishment of the Academy, the DoJ proposed to create 1 time-limited supernumerary post of Assistant Principal Government Counsel (DL1)/DL1-equivalent non-civil service position for a period of 5 years. The additional annual salary cost of the

post is \$2,028,000. The full annual average staff cost, including salaries and staff on-cost, is \$2,550,000.

The DoJ also plans to create 3 time-limited posts, namely 1 Senior Government Counsel post, 1 Government Counsel post and 1 Law Clerk post, each for a period of 5 years, to strengthen support at non-directorate level. The additional annual salary cost of the newly created non-directorate posts is \$3,207,000. The full annual average staff cost, including salaries and staff on-cost, is \$4,146,000.

- End -