

# **立法會**

## ***Legislative Council***

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

#### **Background brief on progress on implementation of Vision 2030 for Rule of Law**

#### **Purpose**

This paper provides an account of the past discussions of the Legislative Council ("LegCo") Members on matters relating to the progress on implementation of Vision 2030 for Rule of Law ("Vision 2030").

#### **Background**

2. At its meeting held on 27 April 2020 and an informal meeting for policy briefing by videoconferencing held on 4 January 2021, the Panel on Administration of Justice and Legal Services ("the Panel") was briefed by the Administration on the 2019 and 2020 policy initiatives of the Department of Justice ("DoJ") respectively, including Vision 2030.

3. At the Panel meeting on 1 March 2021, the Panel discussed issues relating to the range of work and programmes to empower youths in advancing the rule of law and enriching young legal and dispute resolution practitioners for professional development. Representatives from The Law Society of Hong Kong ("the Law Society") and the Hong Kong Bar Association ("the Bar Association") ("the two legal professional bodies") also shared with members their initiatives and views on the topic. At the same meeting, the Panel was also consulted on the DoJ's proposal for the creation of two supernumerary directorate posts in the Rule of Law Unit ("ROLU") in the Inclusive Dispute Avoidance and Resolution Office of the Secretary for Justice ("SJ")'s Office for taking forward the work and initiatives under Vision 2030.

#### **Major views and concerns of Members and relevant stakeholders**

4. The major areas of deliberations on the subject in the above meetings are set out in the ensuing paragraphs.

### Vision 2030 for Rule of Law

5. At the Panel meeting held on 27 April 2020, a member commented that it was ironic to promote the policy initiative of Vision 2030 while the actual state of the rule of law had been deteriorating and that public's confidence in the rule of law in Hong Kong had diminished due to a lack of check and balance against the usage of power by the authorities.

6. At the policy briefing held on 4 January 2021, members enquired about the progress of the proposed setting up of a rule of law database in Hong Kong with objective data and relevant information ("the database"), which was one of the initiatives under Vision 2030, and what objective indicators would be included in the database. In response, the Administration advised that the database aimed to provide indicators for objective assessment of the rule of law in Hong Kong. The contents of the database contemplated included information such as the number of legal aid cases and judicial review cases, as well as the channels available for lodging administrative appeals against the Administration's decisions.

### Task Force on Vision 2030

7. In response to members' enquiries about the progress of work undertaken by the Task Force on Vision 2030 set up by DoJ, the Administration advised that the Task Force had been studying the implementation of rule of law in various jurisdictions with a view to identifying the common denominators or elements essential to the rule of law at various places. It was expected that these elements, together with the database, would provide the tools for objective assessment of the rule of law in Hong Kong.

8. Noting that members of the Task Force comprised exclusively of experts/scholars in arbitration or international laws, some members enquired whether experts/scholars in the Constitution of the People's Republic of China ("the Constitution") and the Basic Law would be included. In response, the Administration advised that besides appointing experts/scholars in the Constitution, Basic Law and constitutional law to the Task Force, consideration also be given to inviting them to join subcommittees formed under the Task Force to study special topics as necessary.

### Promotion of the Constitution, Basic Law and the National Security Law

9. In response to members' concerns raised at the policy briefing that there were insufficient initiatives under Vision 2030 for the promotion of the Constitution, Basic Law and the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("NSL"), the Administration advised that in November 2020, the Basic Law 30th Anniversary Legal Summit was held to give the public an understanding of the

origin of the Basic Law. A collection of the Legal Summit's proceedings would be published in the first half of 2021. It was also planned that the annotations of authoritative sources and official documents relating to the drafting and legislative intent of the Basic Law would be published in 2022 to celebrate the 25th anniversary of the establishment of Hong Kong Special Administrative Region. These publications would present the materials relating to the legislative intent of the Basic Law and relevant case law. Besides, DoJ would continue to promote the Basic Law to members of the public.

10. The Administration also stressed that it was well aware of its responsibilities under Articles 9 and 10 of the NSL to take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, and to promote national security education in schools and universities and through social organizations, the media, the internet and other means to raise the awareness of Hong Kong residents of national security and of the obligation to abide by the law. In this regard, DoJ had commenced work on collaborating with local institutions on taking forward such measures, including the compilation of relevant teaching materials to facilitate school teachers in teaching NSL-related knowledge and the Basic Law including the constitutional order.

#### Advancing the rule of law among students

11. At the Panel meeting held on 1 March 2021, members expressed support for the school programmes initiated by the Administration but enquired how the effectiveness of such programmes would be evaluated. Some members expressed concerns about the progress of rolling out the "Rule of law through drama" to primary schools while some expressed concerns about the effectiveness of such a programme which was unidirectional with little interaction with the audiences.

12. The Administration explained that one way of reviewing the effectiveness of these programmes was by looking at the relevant indicators such as the number of schools and students participating as well as the feedbacks from them. For the Pilot Scheme on Rule of Law Education for Secondary School Students which was developed in collaboration with the Hong Kong Policy Research Institute ("HKPRI") ("the Pilot Scheme"), a systematic mechanism for evaluation had been built into the scheme. Under the Pilot Scheme, rule of law activities would be conducted to all Form 1 and Form 4 students in the participating secondary schools. The information collected before and after the Pilot Scheme would facilitate to assess whether these students' understanding of rule-of-law had been enhanced.

13. Some members enquired why university students were not included in any programme to enhance the understanding of the rule of law. In response, the

Administration explained that while the school programmes were not specifically designed for university students, who were usually busy and might not have time to participate, there were activities that they could join to enhance their understanding about the rule of law, such as exchange programme for participation in international courts.

#### Collaboration with the legal professional bodies and other organizations

14. At the Panel meeting held on 1 March 2021, members commended the Law Society for organizing the "Teen Talk" every year since 2009 to advance the understanding of the rule of law among youngsters. Some members considered that the Bar Association could also contribute more to the promotion of the rule of law if it was not so much occupied by other politically contentious matters. Some members also urged the Administration to engage assistance of legal professionals through collaboration with the two legal professional bodies to conduct more training to the general public.

15. In response, the Administration explained that it was committed to educating the public for a proper understanding of the Constitution, Basic Law and NSL and had been taking forward the matter through a multi-pronged approach. Besides the two legal professional bodies, DoJ had also collaborated with other non-government organizations, including HKPRI in the launching of the Pilot Scheme, the Basic Law Foundation and the Endeavour Education Centre in providing e-resources on the relevant subjects through their websites to the general public.

16. Some members enquired how the Administration could ensure the accuracy of the contents of the educational materials and resources, including on-line resources, on the Basic Law, the Constitution and NSL taught and communicated by the legal professional bodies and the above-mentioned organizations. The Administration replied that all such educational materials and resources provided by DoJ and other bodies in collaboration with DoJ would be checked by DoJ before publication, and would be subject to amendment where necessary, to ensure that the contents were accurate and positive.

#### Roles of the Secretary for Justice and the Department of Justice in defending and advancing the rule of law of Hong Kong

17. At the Panel meeting held on 1 March 2021, whilst supporting DoJ's initiatives proposed to empower youths in advancing the rule of law and enriching young legal practitioners for professional development, some members considered that it was a more important duty for SJ and DoJ to defend the reputation of Hong Kong in respect of its rule of law which was under assault by some foreign governments and politicians. In response to their smearing of Hong Kong, in particular NSL, members considered that DoJ should swiftly counter

those false allegations and rebuke their malicious acts of interfering with Hong Kong's judicial process.

18. At the same meeting, some members pointed out that more than 10 000 arrestees relating to the social events of 2019 were youngsters and the fact had clearly exposed the feeble law-biding awareness among them. They attributed this to the perverted concept about rule of law advocated by some local political figures, including veteran legal professionals, such as "justice law-breaking", "criminal records enrich one's life", "violence might solve problem at times", etc, over the years. They urged the Administration to speak sternly and righteously against such preposterous remarks and rebuff any perverted concepts of the rule of law to protect the youths from being intoxicated.

19. Some members queried whether the probably biased perception held by foreign governments and organizations as reflected in the international rule of law rankings would be rectified by simply setting up a unit on rule of law, and whether a quantitative assessment of the rule of law was really feasible. They reckoned that the collation of relevant data for the setting up a dedicated database for the assessment of rule of law, which was also one of ROLU's tasks, should be outsourced to an external agent (e.g. a think tank or research institute) as this approach would be more cost-effective. Some members considered that, instead of making effort to collect and analyze data for disputing the probably biased assessment of rule of law ranking on Hong Kong, the Administration should be more vehement in refuting the unfair and unfounded allegations made behind such assessment. The Administration was also strongly urged to keep in step with the directives or responses of the Ministry of Foreign Affairs of the People's Republic of China on relevant matters with a view to acting more effectively at the international level.

### **Latest position**

20. The Administration will update the Panel on the progress on implementation of Vision 2030, including the youth exchange and rule of law education projects under Vision 2030, at the Panel meeting to be held on 27 September 2021.

### **Relevant papers**

21. A list of the relevant papers is in **Annex**.

Progress on implementation of Vision 2030 for Rule of Law

List of relevant papers

Meeting	Date	Item	LC Paper No.
Panel on Administration of Justice and Legal Services	27 April 2020 (Policy briefing-cum-meeting) (Item V)	<u>Administration's paper</u>	CB(4)318/19-20(02)
		<u>Administration's paper</u> (further information on Vision 2030)	CB(4)513/19-20(01)
		<u>Minutes of meeting</u>	CB(4)876/19-20
	4 January 2021 (Informal meeting for policy briefing by videoconferencing)	<u>Administration's paper</u>	CB(4)314/20-21(03)
		<u>Notes of informal meeting</u>	CB(4)977/20-21
	1 March 2021 (Item IV)	<u>Administration's paper</u>	CB(4)517/20-21(03)
		<u>Minutes of meeting</u>	CB(4)1297/20-21
	1 March 2021 (Item V)	<u>Administration's paper</u>	CB(4)517/20-21(04)
		<u>Minutes of meeting</u>	CB(4)1297/20-21