

**LAW FOR CHANGE
STUDENT
COMPETITION 2019**

TEAM 6	PROJECT TITLE Stakeholder
MEMBERS	IU Kwan Yuen SU Lifu TSENG Tzu Min
SCHOOL	The Chinese University of Hong Kong

PROJECT SUMMARY

Our project aims to heal the generation gap in our community and safeguard the rule of law as a core value of Hong Kong, by helping secondary school students formulate convincing arguments in social debates on public affairs within the community.

To achieve this goal, we will equip secondary students with constitutional reasoning skills. We believe it would get students' voices heard and respected by the community, because constitutional reasoning does not seek to undermine the reasonableness of any of the opposing views. Instead, it seeks to strike a fair balance

between the conflicting but legitimate interests of different social groups. Also, with such reasoning skills, more students could understand the rationale of the rule of law. Hence, the rule of law in Hong Kong would be more sustainable.

To help secondary students develop constitutional reasoning skills, we will hold lectures on constitutional norms, principles of constitutional interpretation and tests for constitutional validity for students. Besides, students could further improve their skills in Legal Debate Competition.

Our Facebook Page:



NEED ASSESSMENT AND GAP ANALYSIS

Social Justice Issues

Sustainability of our community faces two social justice issues: (i) the ignorance of voices of secondary school students in social debates, and (ii) the belief in the rule of law is under challenge.

(i) Harmony and progress of the community would be less sustainable when the generation gap between the youth and the elder is left unhealed. In Hong Kong, the continuing ignorance of secondary students' voices by adults in social debates on public policies is worrying. Some commentators criticise that students should focus on "academic learning" rather than engaging in political activities because they are immature and cannot develop independent thoughts free from "manipulation by politicians" and thus they should not participate in social movements.¹ In this sense, the students are being excluded from the social debates in the community.

However, secondary school students nowadays are getting more involved in social debates on various political issues, in light of the stagnation of the development of democracy and political crisis in Hong Kong. Chief Justice Geoffrey Ma notes that "*one day our students will have to be a part of the community in which they live and work*" and will become tomorrow's leaders.² His speech clearly demonstrates that today's students are stakeholders of this community. Their stakes cannot be fully represented by anyone, because students have their own ideas about their future and how to realize their potentials.

If the voices of secondary students continue to be ignored by adults in social debates concerning community interests, the mistrust between generations may be intensified. Such mistrust will make the community's collective interest fail to reflect the interest of "tomorrow's leader", and may undermine the acceptance of "sense of community" by secondary students. The outcome would be more student participate in the radical activity, as one third of arrestees are secondary students.³ Ultimately, this will undermine the sustainability of our community.

(ii) The harmony and progress of Hong Kong would also be less sustainable, when people do not respect the rule of law. The judgement concerning the Emergency

Regulations Ordinance has attracted criticism from the Legislative Affairs Commission of the NPCSC.⁴

The conflicting arguments from the scholars and practitioners on different stances confuse our students, as they have insufficient legal knowledge to justify their own stances. If such confusion makes students to mindlessly follow the authority's interpretation of the law, the rule of law would be in great danger. As students are the future leaders of Hong Kong, this issue may erode the sustainability of Hong Kong in the long run.

If the two issues above are not addressed, other vital issues related to sustainability would be unattainable. It is difficult to address other issues if different generations could not reach agreements, or public interests could not be protected by the rule of law.

Service Gap in Our Community

The current education system provides knowledge and reasoning skills that are fundamental to students' personal development. Besides, there are many debate societies providing further training on analytical skills and debating skills.

However, in social debates on socio-political issues with the elder, students will need to analyse the conflicts between the public power, and the interests of various social groups. They need to manage the techniques used by the court to address such conflicts.

The techniques are not provided by ordinary debate societies, nor by ordinary courses in secondary schools. Although the high school core subject Liberal Studies leads the students to analyse the role of the government and citizens in the socio-economic participation, the focus is on the respective roles of the stakeholders, not on how the balance between different interests should be struck in specific policies.⁵

There are certain programmes specialised in providing legal knowledge and legal debating skills, but they do not introduce the techniques of court reasoning that help students develop their arguments. They will be examined below in "Our Approach".

Our Approach

To maintain a constructive role in social debates and engage in protection of the rule of law, students need to make their arguments more convincing in the sense of community, which should be premised on tolerance, respect, and compromise.

Chief Justice Geoffrey Ma regards “[t]he best method of teaching a concept like a sense of community is to encourage the student to think for himself or herself in order to be convinced that the concept is a worthwhile one. In order to do this, the student must be provided with the tools and the information to allow him or her to think the matter through themselves”.⁶

In this regard, we believe that the constitutional reasoning will be the best tool and the information to allow the students to develop critical and constructive arguments on social issues.

Definition

Constitutional reasoning refers to a legal argument which involves an appeal to (i) constitutional norms, (ii) principles of constitutional interpretation or (iii) tests for constitutional validity of restrictions on constitutional rights and freedoms.

(i) The constitutional norms are the provisions in the PRC Constitution, the Basic Law, the Hong Kong Bill of Rights Ordinance, and principles in the case law of Hong Kong. (ii) The principles of constitutional interpretation are the various approaches to interpretation adopted by the Standing Committee of the National People’s Congress, and by the courts of Hong Kong. (iii) The tests for constitutional validity are the tests in the case law of Hong Kong, such as the proportionality test in *Hysan Development v Town Planning Board* and margin of appreciation in *Fok Chun Wa v Hospital Authority*.

Why does the solution of social justice issues need constitutional reasoning?

(i) To enable the youth and the elderly to effectively engage in social debates, there shall be some common grounds. The Basic Law and other legal authorities could serve as the common grounds, because they are widely accepted by the public.

Besides, constitutional reasoning may be more convincing, because it requires students to strike

a balance between different interests groups.⁷ Constitutional reasoning may facilitate their understanding of other people’s interests in the disputed issue. Students’ arguments based on such understanding will reflect the spirit of tolerance, respect, and compromise in the community, and may, therefore, win more respect from other members of the community.

- (ii) To secure the youth’s belief in the rule of law, we should enable the students to understand why and how the public power shall be held accountable by the law. Therefore they should be equipped with constitutional reasoning skills, which inherently requires them to consider the function of public power and the rights and obligations of citizens.

Measures taken to ensure the political neutrality of our project

In Hong Kong, we have two political camps advocating opposing viewpoints of the rule of law in Hong Kong, and they adopt different approaches to constitutional reasoning. Hence, the political neutrality of our project is a major concern to secondary schools.

- (i) The lectures and learning materials will provide opposing viewpoints to students. We will only use official materials, such as statutes, case law, and legislative records to guide students to discuss the rationales behind these opposing viewpoints. And we would ask students to strike a balance between conflicting interests in case discussions.
- (ii) In the Legal Debate Competition of our project, judges, who are volunteer solicitors or barristers, will only assess students’ performance in using what they have learned to form their arguments, regardless of the political spectrum. The Competition focuses on the width of research and the depth of reasoning.
- (iii) The project’s social media will share news covered by mass media of different political positions.

How do we distinguish ourselves from other relevant programmes?

There are existing programmes providing courses on legal knowledge and facilitating discussions on the rule of law. However, the need for constitutional reasoning is not sufficiently addressed. We have examined the programmes respectively below.

Liberal Studies is a core subject in the three-year senior secondary curriculum. ‘Rule of law and socio-political participation’ is one of the twelve topics covered in Liberal Studies. In this topic, the syllabus guides students to discuss the roles of the government and citizens in the socio-political affairs, and the importance of the rule of law in securing citizens’ socio-political participation.⁸ However, the topic does not introduce constitutional reasoning which helps students to formulate legal arguments for their opinions. Besides, according to our interview with a teacher of Liberal Studies, only a small fraction of time is left for this topic. It is impractical to introduce the legal knowledge that is beyond the curriculum.

The Rule of Law Education Project of the Faculty of Law of the University of Hong Kong provides seminars on the rule of law for secondary schools. Their seminars teach students the proportionality test adopted in constitutional review, but they only take the freedom of expression as an example, students may not know how to assess different stakeholders’ interests in other rights and freedoms.⁹ And it does not provide comprehensive practice opportunities for students.

Existing mooted NGOs that aim at high school students focus on criminal proceedings. They do not hold mooted on constitutional law. There are also human rights debate competitions in Hong Kong, but the debate topics are not related to the power of the government or constitutional rights.¹¹ The Faculty of Law of The Chinese University of Hong Kong organised a mooted competition for high-schoolers on a constitutional law issue in 2014,¹² however, no new competition has been held after that.

Why would students find the knowledge of constitutional reasoning useful?

Constitutional reasoning enables the students to assess the weight of other stakeholders’ interests in the disputed policy. Based on the assessment, they are more capable of prioritising their rights and freedoms when the interests of other community members are relatively minor.

We have carried out an on-field survey study in the Western district to assess the interest of the secondary school students in learning legal knowledge. In total, we have interviewed 40 students. In summary, only 13% of the students consider themselves to have sufficient

knowledge of the legal issues of the extradition bills, 8% of the students believe themselves to have gained a comprehensive understanding of the human rights in Basic Law. 75% of the students are very interested in seminars on the Basic Law and human rights.

Relevant stakeholders

1. SECONDARY SCHOOLS

Schools that are interested in our project may promote the project among the students and provide classrooms for us to do the lectures.

In collaborating with our project, schools will be able to guide students away from radical activities because constitutional reasoning encourages students to respect the interests of other stakeholders and to advocate their views on how the balance should be struck.

2. UNIVERSITY LAW STUDENTS

We need university law students to join us as volunteers. They could use what they have learned at law schools to prepare learning materials, give lectures, and communicate with the secondary school students after the lectures.

Our team has surveyed the attitudes of law students on this project. We obtained 10 responses in total (60% Mainland Students and 40% Local Students). All of them express interested in sharing their legal/constitutional knowledge to the students, motivated mainly by social connectivity (80%) and sense of duty (50%). 70% of them willing to contribute more than 2 hours per week in teaching activities.

Law student volunteers will be able to contribute their knowledge to the community and enrich their social experience when they collaborate with participants and entities from various backgrounds.

3. LEGAL PRACTITIONERS

We need volunteer solicitors or barristers to review the contents of the lectures and serve as judges at Legal Debate Competitions.

Volunteer solicitors and barristers would gain exposure among the participants and stakeholders who are concerned with the future of Hong Kong.

GOALS AND OBJECTIVES

Goal

To enable secondary students to make convincing arguments in social debates with other members of the community and safeguard the rule of law.

Objectives

- 1 Fostering secondary school students' basic legal knowledge and constitutional reasoning.
- 2 Enable secondary school students to rationally connect social issues with legal knowledge.
- 3 At least 75 secondary schools' scholars can make arguments both for and against a public policy using constitutional reasoning that satisfies our assessors.
- 4 Provide more opportunities for students to express their in-depth arguments on social issues by providing online/offline platforms.
- 5 Promote students' legal reasoning and opinion to the community through a wide range of channel.

DETAILED PROJECT PROPOSAL

Stage 1: Preparation Phase

Survey for Secondary School Students

- Conduct survey of HK secondary school students
- Coordinate the result of the survey and assess the needs of the students for knowledge of law and constitutional rights
- Collect the information on knowledge of law and constitutional rights needed by students through legal research

Survey for Middle School Teachers

- Question secondary school teachers' viewpoint on the need to educate students with legal knowledge and constitutional reasoning
- Confirm the availability of the classroom as the venue for legal workshop
- Evaluate the results of the survey and collect the information about teachers' viewpoint on the project

Survey for Volunteers

- Evaluate the willingness of university students participating in the project as volunteers
- Collect the information on the result of the questionnaire

Facebook Page/Instagram Launching

- Launch the project's FB/Instagram page and generate relevant posts daily to attract people's awareness of the project
- In emergency situations, we broadcasted 3 urgent posts at 3 targeted universities to facilitate the safety of all parties.
- Contact NGOs and media group to get aware of our Facebook Page

Connect with schools and other support

- Interview with teachers, administration staff, and students in school to collect information and inquire about their specific needs from the project
- Contact and partner with NGOs and professors to gain their support and promote the project

Recruiting & Training Session

- Recruit workshop lecturer, targeting law students who are highly interested in law and would like to share the knowledge with secondary school students
- Lecturers' training session: Lecturer will have to prepare lecture notes in advance and the project coordinator will assist the lecturer and give advice to him during the rehearsal
- Recruit course helpers and conduct briefing sessions for helpers

Stage 2: Implementation Phase

1. Legal Workshop

IMPLEMENTATION TARGET

To foster students' basic legal knowledge and constitutional reasoning

TARGET PARTICIPANTS

- We aim to target local students ranging from 15 to 18 years old from that have keen interests in HK constitutional rights and general legal knowledge
- We propose to collaborate with 5 secondary schools
- 15 students per class

PROPOSED DATES AND SCHEDULE

5 classes, once a week, Saturday: 2 pm - 5 pm

WORKSHOP MODEL

Course Timetable

1. The first two hours will be conducted in lecture form. It aims at giving the students a general understanding of every week's topic.
2. The third hour will be either in the format of presentation/discussion. This will be adjusted based on every week's content. Students will be engaged in the presentation of their research and there will be a Q&A session after the presentation. Alternatively, they might participate in the legal debate with other groups to practice how to formulate their arguments using constitutional reasoning. Lastly, mooted will be another option for the students to have an experience of the legal debate. This will be tentative, subject to the availability of the venue.

3. After-school case study: Students will be divided into groups. Each group will be assigned with a certain topic arising from the lecture. They will have to conduct research and discuss after class. The lecturer will guide them if they encounter any difficulties. Assistants will also help them on research on relevant case law, related news, and statutory provisions.

Involvement of legal students/practitioner

- Class lecturers: Law students are invited to be as the lecturer and assistant of the workshop. We will conduct interview with the candidates to select suitable lecturer.
- Legal scholars: Occasionally, we will arrange legal scholar to give talks on certain topics as they have additional legal knowledge through research and experience.
- Pro bono lawyers: We will also invite pro bono lawyers to give a speech of the current constitutional issues and how students can formulate their own arguments, alike lawyer.

CURRICULUM

Week 1: Introduction of Hong Kong Legal System & the Rule of Law

- Scenario questions: prepare real-life questions to trigger students' interest
- The Rule of Law in HK
 - i. Purpose of ROL
 - ii. Common Law ROL versus Chinese ROL
 - iii. Lord Bingham's eight principles of ROL

Week 2: Constitutional interpretation and judicial review

- Difference between Judicial Autonomy and Judicial Interpretation
- NPCSC's power versus High Court's power
 - i. Prior to 2047, the degree of limiting the autonomy

Week 3: Constitutional rights in Hong Kong I:

- Civil and political rights enabling citizens to pursue autonomy without interference, and participate in public life¹³

- i. Freedom of expression
- ii. Freedom of assembly
- iii. Limits on expression and assembly
- iv. Right to vote and the right to stand for election
- v. Case study: *HKSAR v Ng Kung Siu; Chow Ting (“the Petitioner”) v Teng Yu-Yan, Anne (Returning Officer for the Hong Kong Island Geographical Constituency) (“Returning Officer”) & Au Nok-hin*

Week 4: Constitutional rights in Hong Kong II:

- Economic, social and cultural rights enabling citizens to access basic goods of life¹⁴
 - i. Freedom to engage in cultural activities
 - ii. Right to social welfare
- Right to equality and non discrimination
 - i. All Hong Kong residents shall be equal before the law
 - ii. Entitlement to rights without distinction
 - iii. Equality before and equal protection of law
 - iv. Rights of minorities
 - v. Case study: *William Roy Leung v Secretary for Justice; QT v Director of Immigration*

Week 5: Legal Practice

- Barrister/ Solicitor sharing session of work
- Field trip visit to High Court/LegCo

VENUE

Proposed venue: Secondary school classroom, university moot hall, NGOs hall

OTHERS

- Prizes for debate and moot winner and presentation award
- Refreshment: Provide some snacks and drinks

2. The Social Issue Discussion and Presentation

IMPLEMENTATION TARGET

To enable students to rationally connect social/legal issues with legal knowledge

TARGET PARTICIPANT

- Selected secondary school students who participated in the Legal Workshop
- Lecturers

PLAN

- 5 students will form a group to discuss a certain legal topic related to particular social issues for 20 minutes
- After group discussion, 2 representatives from each group will make a presentation in class to elaborate their understanding and stance of the issue
- Lastly, a Q&A session will be conducted in class
- The lecturer will provide feedback and further guidance of the presentation to the students in the end of the class

VENUE

Secondary school classrooms

3. The Legal Debate Competition

IMPLEMENTATION TARGET

To enable students to make arguments both for and against a public policy using constitutional reasoning that satisfies our assessors

TARGET PARTICIPANT

- Selected secondary school students who participated in the Legal Workshop
- Law professors, practitioners, law students

PLAN

- 4 students will be elected to represent his or her school to participate in the competition.
- 2 schools will compete with each other under a certain legal topic.
- Law professors and practitioner will be the judges of the competition.
- Law students will administer the process of the competition.

VENUE

- CUHK Moot court (1st option)
- Secondary school classroom

4. Social Media Platform: Facebook Page/ Instagram

IMPLEMENTATION TARGET

To create more opportunities for students to express their in-depth arguments on social/legal issues by providing online/offline platforms

TARGET PARTICIPANT

- Secondary school students
- Public interested in the topic and our project
- University students

PLAN

- Launch Facebook page and post relevant constitutional rights posts from different political camps on a daily basis
- Editors will generate their own neutral comments on the news
- Invite secondary students to be the editor and share their viewpoint and post it on the page
- Educational videos and dummies package (懶人包) will also be generated and posted on the Page
- Class material/ other relevant resources will also be uploaded
- Video publication of the project (approx. 3 mins)
- Target: Achieve 1,000-page likes by the end of the first 6 months
- Increase media exposure by Facebook advertisement service
- We will also seek to cooperate with NGOs and other groups on Facebook to increase our exposure
- In urgent situations, we will launch Facebook posts to facilitate the safety of all parties at target locations

5. The Stakeholder Blog & Kindle Book

IMPLEMENTATION TARGET

To promote students’ legal reasoning and opinion to the community through a wide range of channels

TARGET PARTICIPANT

- Secondary school students
- Other social groups interested in legal topics can also gain exposure of the knowledge by browsing through the web
- Law students

PLAN

- Publish law student’s articles and insights on blog and kindle store
- Invite secondary students to compose their argument/opinion on the current social issue
- Submit the articles to newspapers or magazines for publication
- Submit the articles to members of the District Council and LegCo to reflect the view of the students

Stage 3: Evaluation Phase

Evaluation tools	Qualitative Evaluation	Quantitative Evaluation
Student written work	The quality of reasoning in the written work completed by the students at the end of the workshop. The work will be evaluated by our project executors / lecturers.	Number of blog articles received per month
Feedback from legal professions in the legal debate competition	The quality of arguments submitted by the students.	N/A
Community Feedback	A questionnaire will be completed by different stakeholders in the community.	N/A
Student course evaluation	A pre-workshop questionnaire will be completed by the participants as the benchmark. A post-workshop questionnaire will be sent to the participants to evaluate their overall feedback on the workshops. The questionnaire will comprise of both quantitative and qualitative parts.	

PROJECT TIMELINE AND BUDGET

Project Timeline

Task	Duration	Progress
STAGE 1: Preparation phase		
<ul style="list-style-type: none"> Survey for Secondary School Students Survey for Middle School Teachers Survey for Volunteers 	Sep-Oct 2019	Accomplished
Facebook Page/Instagram/Blog Launching	Oct-Nov 2019	Accomplished
Connect with schools and NGOs	Oct 2019- May 2020	Pending
Recruiting & Training Session	Jan-June 2020	Pending
STAGE 2: Implementation phase		
Legal Workshop	July-Sep 2020	Pending
The Social Issue Discussion & Presentation	July-Sep 2020	Pending
The Legal Debate Competition	July-Sep 2020	Pending
Social Media Platform: Facebook Page/Instagram	July-Sep 2020	Pending
The Stakeholder blog & Kindle Book	July-Sep 2020	Pending
STAGE 3: Evaluation phase		
<ul style="list-style-type: none"> Submission of student-written report Feedback from the legal professions in the legal debate competition Community Feedback Student course evaluation 	Oct-Dec 2020	Pending

Budget

Item	No. of units	Cost per unit (HK\$)	Expected Cost (HK\$)
STAGE 1: Preparation phase			
Facebook promotion	30 days	20	600
Urgent broadcasting	3 broadcasts	40	120
Print: Helpers' training sessions	10	10	100
STAGE 2: Implementation phase			
Print: Workshops posters/leaflets	75	1	75
Refreshments	25	800	20,000
Course assignment and class notes for Engagement session	75 (Classes)	30	2,250
Award Certification	100	1	100
Compensation	10	50	500
STAGE 3: Evaluation phase			
Print: Feedback surveys	40	0.5	20
		TOTAL:	23,765

REFERENCE:

- Wen Wei Po, Constant Indulgence Will Only Do Harm to Students (一味縱容只會害了學生), 31 OCT 2019, available at <http://paper.wenweipo.com/2019/10/31/HS1910310035.htm>; Speakout Hong Kong, Politics diffuse in the school affect the students (政治入侵校園惡化 華華學子受害) 25 SEP 2019, available at <https://www.speakout.hk/港人觀點/49037/-秉文觀新-政治入侵校園惡化-華華學子受害>
- Chief Justice's Speech at the Hong Kong Association of the Heads of Secondary Schools 55th Anniversary Education Colloquium 2019, 30 OCT 2019, available at [https://www.hkcfh.hk/filemanager/speech/en/upload/2245/2019.10.30%20-%20Hong%20Kong%20Education%20Colloquium%202019%20\(Final\).pdf](https://www.hkcfh.hk/filemanager/speech/en/upload/2245/2019.10.30%20-%20Hong%20Kong%20Education%20Colloquium%202019%20(Final).pdf)
- The New York Times, Hong Kong Protests: Over 1,000 Detained at a University, and a Warning From Beijing, available at https://www.nytimes.com/2019/11/18/world/asia/hong-kong-protests.html?_ga=2.245795533.858614092.1574404338-533534153.1571208228
- South China Morning Post, 'No other authority has right to make judgments': China slams Hong Kong court's ruling on anti-mask law as unconstitutional, 19 NOV 2019, available at <https://www.scmp.com/news/hong-kong/politics/article/3038325/hong-kong-judges-slammed-chinas-top-legislative-body>
- Liberal Studies Curriculum and Assessment Guide, 29-30, available at https://334.edb.hkedcity.net/doc/eng/curriculum/LS%20C&A%20Guide_updated_e.pdf
- Chief Justice's Speech, above 2, para 6.
- Chief Justice's Speech, above 2, para 20.
- Liberal Studies Curriculum and Assessment Guide, 29-30, available at https://334.edb.hkedcity.net/doc/eng/curriculum/LS%20C&A%20Guide_updated_e.pdf; Liberal Studies Curriculum and Assessment Resource Package, 36-38, available at https://ls.edb.hkedcity.net/file/C_and_A_guide/ENG_CARP.pdf
- The Rule of Law Education Project (ROLE) <https://www.role.hku.hk/teaching-plans>
- Hong Kong Schools Mooting and Mock Trial Association, the Hong Kong Federation of Youth Groups Leadership Institute, and the Society of Rehabilitation and Crime Prevention.
- Debate competitions are held by the Hong Kong Chinese Debate Association.
- CUHK Moot Cup for High-schoolers, 19 FEB 2014, available at <http://www.iso.cuhk.edu.hk/english/publications/newsletter/article.aspx?articleid=58674>
- Surabhi CHOPRA, LAWS6015 Principles of Constitutional Law, delivered at the Chinese University of Hong Kong.
- Ibid.

DISCLAMATION:

Stakeholder is committed to political neutrality in the matters of legal/political issues. We aim to encourage the students to formulate their argument base on sophisticated legal reasoning. Our team, coming from Hong Kong, Guangdong and Taipei, do not endorse, support, or promote any political opinions or stances.