



JERI&CCCL Workshop on “Judicial Reform in China: Looking Back, Looking Forward” (1 Nov 2022)

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On 1 November 2022, the Centre for Judicial Education and Research cum Identification of Hong Kong Law (JERI) and the Centre for Chinese and Comparative Law (CCCL) of the City University of Hong Kong's School of Law hosted a workshop on “Judicial Reform in China: Looking Back, Looking Forward”. This workshop convenes a group of senior Chinese judges from courts in several provinces in Mainland China to evaluate the progress and achievements of judicial reform in China and to discuss how to cope with the difficulties and barriers laid ahead. It aims to provide an opportunity for the staff and researchers of the City University of Hong Kong School of Law to gain a critical understanding of China's most recent round of judicial reform, as well as, a forum for Chinese judges to voice their narratives on the development of the rule of law in China (講好中國法治故事). The workshop was moderated by **Professor Lin Feng**, Acting Dean of the School of Law and JERI Director, and **Professor Wang Jiangyu**, CCCL Director, with **Professor Fu Hualing**, Dean, of Hong Kong University Faculty of Law, **Dr. Ding Chunyan**, Associate Dean of City University of Hong Kong School of Law, and **Professor Zhu Guobin**, Director of the Public Law and Human Rights Forum (CPLR), as discussants.

Prof. Wang Jiangyu gave the opening remarks, in which he greeted all presenters, moderators, and discussants and explained the background of the workshop. Following that, three discussion panels were held.

The first panel, chaired by Prof. Lin Feng, was entitled "Overview of Judicial System Reform, Staff Classification and Management, and Judicial Reform." In this panel, the speakers were: Judge Yang Zhi (Deputy Director of the Research Office of Zhejiang High People's Court), Judge Guo Jianjun (President of the Maritime Division of Tianjin Maritime Court), Judge Yu Miao (Vice President of the Finance Division of Anshan Intermediate People's Court, Liaoning Province) and Judge Zheng Ye (Vice President of the Intellectual Property Court of Wenzhou Intermediate People's Court, Zhejiang Province). As a judge of the comprehensive trial department, Judge Yang Zhi represents not only a participant, but also a personal witness and an active promoter of the judicial system reform, so he mainly shared his practice, understanding, and future direction of the judicial reform from a macro perspective. The concept of the pre-

service training system for judges is a task proposed in the process of judicial system reform, so Judge Guo Jianjun explained the current regulations and practice of pre-service training for judges, also its urgency and necessity, and even some extended thinking. Judge Yu Miao focused on the practical dilemmas of the judge assistant system and the ways to resolve them. He pointed out that it would be more appropriate to centralize the jurisdiction of patent administrative cases, while other types of intellectual property cases should operate under the legitimate system.

The second panel, chaired by Prof. Wang Jiangyu and titled "Reforming the Positioning of the Court's Judicial Function", featured several presentations by Judge Fan Yina (President of the Administrative Division of the Higher People's Court of Hebei Province), Judge Shan Ying (President of the Enforcement Division III of the Enforcement Bureau of the Higher People's Court of Shandong Province), Judge Lu Yun Yun (Vice President of the Changzhou Intermediate People's Court of Jiangsu Province), and Judge Li Yan (President of the Comprehensive Trial Division of the People's Court of Chengdu High-Tech Industrial Development Zone of Sichuan Province). Judge Fan Yina provided thoughts on the issues related to the administrative litigation system in the reform of the trial level function, suggesting that the first instance administrative cases filed against the administrative acts of municipal and county people's governments should be under the jurisdiction of the grassroots courts, except for those cases with significant social impact, major, complex or possibly affected by local factors. Judge Shan Ying explained his thoughts on the reform of trial-level functions, pointing out that the reformed enforcement work is positioned to present a particular play to the enforcement feedback function. She added the rate of voluntary compliance, and enforceability comprises factors to be considered in the assessment. Judge Lu Yunyun explained the reform of the court's case complexity and streamlining. She hoped that after the fundamental problem of "too many cases and too few people" is solved, the judges could go for ethical development. She pointed out that the reform is necessary, especially the judicial system reform should be placed under the framework of social system reform.

The third panel, chaired by Dr. Ding Chunyan and titled "Reform of the Judicial Power Operation Mechanism", followed by presentations by Judge Chen Hao (Senior Judge of the Civil Division of Shandong High People's Court), Judge Tong Bing (Vice President of the Dongsheng People's Court of Haidian District, Beijing), Judge Huang Yu Yu (Senior Judge of the Intellectual Property Court of Shenzhen Intermediate People's Court, Guangdong Province), Judge Lu Fengguo (Deputy Director of the Enforcement Management Department of Chongqing High People's Court), Judge Deng Mengtian (Senior Judge of the Intellectual Property Court of Ningbo Intermediate People's Court, Zhejiang Province), and Judge Deng Mengtian (Senior Judge of the Intellectual Property Court of Ningbo Intermediate People's Court, Zhejiang Province). Judge Lu Fengguo (Deputy Director of the Enforcement Administration Department of Chongqing High People's Court), Judge Deng Mengtian (Senior Judge of the Intellectual Property Court of Ningbo Intermediate People's Court, Zhejiang Province), and Judge Wang Yanhua (Head of the Filing Division of Fengtai District People's Court, Beijing). Judge Chen Hao gave a presentation on the thinking of judicial decision document reasoning, affirming that judicial decision document reasoning represents a significant part of the court's promotion of judicial openness. Judge Tong Bing used the Haidian District People's Court in Beijing as a case to explain the dynamics, mechanism, effectiveness, and challenges of multi-faceted mediation

and speedy adjudication. Judge Huang Yu Yu explained the reform of deepening the cooperation between Shenzhen and Hong Kong and serving the construction of the Greater Bay Area, adopting the Qianhai model of the construction of the rule of law in Guangdong, Hong Kong, and Macau. Judge Lui Fengguo talked about the past, present, and future of enforcement work, pointing out that enforcement "difficulties" are bound to exist, not because of the economic base, but because they will exist and are determined by human nature. Judge Deng Mengtian's topic remains the practice and reflection of Internet justice, mainly divided into online litigation, case office, and Internet trial. Judge Wang Yanhua explained the comprehensive quantitative assessment, the purpose of the assessment, and the changes caused by it.

While fourteen presentations delivered during the three panels were informative and thought-provoking, the group discussion following each panel's presentations was equally impressive: critical and inspirational comments were delivered on the speakers' presentations and acute questions were posed for the speakers' responses, and further discussion among all participants. Finally, Prof. Lin Feng concluded the conference with a closing speech in which he thanked the speakers for their valuable contributions and all of the participants for their attendance, which carry out the workshop a success.



Prof. Lin Feng, Prof. Wang Jiangyu, Dr. Ding Chunyan, Prof. Zhu Guobin and 14 senior judges.