



香港法律改革委員會

THE LAW REFORM COMMISSION OF HONG KONG

www.hkreform.gov.hk

Rules for the 11th Law Reform Essay Competition 2024

Topic: Without any bespoke legal rules developed to address specifically the range of different circumstances in which healthcare professionals may attract criminal liability for causing death in the course of providing medical treatment or performing a medical procedure, those responsible may, when the evidence so permits, only be prosecuted for the common law offence of manslaughter under existing law.

Is the law on gross negligence manslaughter adequate and appropriate to target deaths caused by medical malpractice? If so, why and how? If not, why not, and how should the law be reformed in Hong Kong?

1. Who can enter?

The competition is open to students attending any of the following programmes provided by a university in Hong Kong:¹

- (1) Bachelor of Laws (“LLB”);
- (2) Bachelor of Commerce (with Honours in Law and Business);
- (3) Juris Doctor (“JD”);
- (4) Double degree (with one degree being LLB or JD); or
- (5) Postgraduate Certificate in Laws.

2. Essay format

Essays must —

- (1) be in English and in Microsoft Word (.doc or .docx) format;

¹ For the avoidance of doubt, incoming exchange students from non-local institutions are not eligible to participate in the competition.

- (2) not exceed 5,000 words altogether (including appendices, footnotes, references, tables, etc);
- (3) be in "Arial" or "Times New Roman" font with a font size of not less than 14 for text and not less than 10 for footnotes; and
- (4) have references and additional information set out in footnotes (not endnotes).

3. Submission of essays

- (1) Participants must submit their essays by 23:59 on Sunday, 7 January 2024 via e-mail to hklrcessaycompetition@doj.gov.hk. Late receipt of essays solely due to technical malfunction or other technical issues of the e-mail system of the Law Reform Commission of Hong Kong ("LRC") may be accepted at the absolute discretion of the LRC. Late submissions due to any other reasons will not be accepted.
- (2) To ensure anonymity for the purpose of impartial assessment, essays must not, in any way, contain any information which may reveal the identity and/or university of the participant. Participants must submit (a) the completed entry form and (b) the essay as separate attachments.
- (3) Each participant may only submit one essay for the competition.

4. Essay of own creation only

- (1) Participants must submit only essays that are original and of their sole creation, and properly acknowledge reference materials in the essay, without infringing copyright.
- (2) Essays may be scanned by plagiarism detecting software. Plagiarism in whatever form will be taken seriously, and will result in automatic disqualification.

5. Use of generative artificial intelligence

- (1) Although participants may use generative artificial intelligence tools (eg ChatGPT, Dall-e, etc.) for research on this topic, quoting, paraphrasing or otherwise incorporating in any way any contents generated by any of these tools in their essays is not permitted.
- (2) Before relying on contents generated by these tools, participants must verify such contents against relevant court judgments, legislation and/or other authoritative materials.
- (3) Violation of sub-paragraph (1) in a manner not amounting to a violation of paragraph 4 may also result in disqualification.

6. Copyright

Upon submitting their essays, participants agree to and do vest the copyright of their essays in the Government of the Hong Kong Special Administrative Region.

7. Assessment criteria

Essays will be assessed according to the following criteria (not in any particular order):

- (1) originality of suggestions and recommendations;
- (2) quality of legal analysis and legal reasoning;
- (3) comprehensiveness and relevance of legal research and comparative legal studies;
- (4) the extent, if any, to which it is feasible and practicable to implement the proposed law reform; and
- (5) command of the English language, style, succinctness and clarity in presentation.

8. Adjudicating panel

- (1) Participants' essays will be judged by an adjudicating panel comprising members of the LRC and other persons (if any) as the LRC may see appropriate. In addition, the LRC has absolute discretion to set up a committee to preliminarily screen the essays if the circumstances so require.
- (2) The decisions and adjudication of the adjudicating panel in respect of all matters arising in the course of this competition are final. Award of prizes is at the sole discretion of the adjudicating panel. If the adjudicating panel finds it necessary, it may consult the LRC.

9. Prizes

- (1) The prizes, in the form of an internship or a mini-pupillage in the summer of 2024 with the following establishments, will be allocated to the finalists at the LRC's sole discretion (subject further to that establishment's procedures and conditions (if any)):

(in alphabetical order)

- (a) **CK Hutchison Holdings Limited** (2 months);
- (b) **Department of Justice** (1 month);

- (c) **Des Voeux Chambers** (1 month);
 - (d) **Herbert Smith Freehills** (1 month);
 - (e) **Parkside Chambers** (1 month);
 - (f) **Temple Chambers** (1 month); and
 - (g) **Woo Kwan Lee & Lo** (1 month or 2 months).²
- (2) Participants may indicate in the entry form their preferences in relation to the above establishments. The LRC would endeavour to allocate finalists to their preferred establishments, but cannot guarantee that their preferences would be accommodated.
- (3) Finalists cannot swap their allocated internship or mini-pupillage among themselves. If a finalist does not take up the allocated internship or mini-pupillage, there will not be any substitute for him, and the LRC has the sole discretion to allocate the internship or mini-pupillage to another participant.

10. Announcement of Results

- (1) The LRC endeavours to announce the results of the competition around April 2024 on the LRC website.
- (2) Finalists' essays may be published on the LRC website or in other forms of publication as the LRC may see fit, subject to possible editorial changes.

11. Interpretation of Rules

The LRC reserves its right to interpret these Rules and any such interpretation so made shall be final.

3 October 2023

² To be agreed between the firm and the finalist.