**“3-minute Concept” Animated Video Clips Series:**

**The Rule of Law**

**Subtitles**

3-minute Concept

**The Rule of Law**

Life and Society (Secondary 1-3)

Personal, Social and Humanities Education Section

Curriculum Development Institute

Education Bureau, HKSAR Government

When conflicts arise in society, how should they be resolved?

In the Middle Ages, people engaged in duels to settle their disputes.

At the present time, we of course oppose the use of violence to settle disputes. Instead, in modern civilised society, people resolve disputes through legal means.

“The rule of law” refers to certain fundamental principles of law. Specifically, in a society which upholds the rule of law, everyone must act in accordance with the law, and both citizens and the government should abide by the law. In this way, peace and stability can be maintained, and personal safety and property can be protected.

The meaning of the “rule of law” will evolve as society develops. Legal scholars and professionals also have different descriptions for it. However, there are some core principles that they agree on. The Basic Law embodies many of these core principles which protect the rights of Hong Kong residents whilst setting out their duties.

The first principle of the rule of law is equality before the law. Article 25 of the Basic Law states that “All Hong Kong residents shall be equal before the law.” The law applies equally to every person. No one person, group or institution is above the law or outside the ambit of the law.

The second principle of the rule of law is that everyone must abide by the law. Article 42 of the Basic Law states that “Hong Kong residents and other persons in Hong Kong shall have the obligation to abide by the laws in force in the Hong Kong Special Administrative Region.” Everyone, regardless of one’s race, colour, sex, language, religion, political or other opinion, social class or property, must abide by the law. Anyone who breaks the law must face legal sanctions.

The third principle of the rule of law is that the power of the government and its public servants is derived from law. The second paragraph of Article 35 of the Basic Law states that “Hong Kong residents shall have the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel.” If the executive authorities and their personnel, including the Chief Executive, are unable to provide a legal justification for any of their actions, the affected person can resort to a court which may rule that the act is invalid and of no legal effect. Compensation may be ordered in the affected person’s favour.

The fourth principle of the rule of law is judicial independence. Article 2 of the Basic Law states that “The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law.” In addition, the first paragraph of Article 19 stipulates that “The Hong Kong Special Administrative Region shall be vested with independent judicial power, including that of final adjudication.” Thus, the Basic Law guarantees Hong Kong’s judicial independence at the constitutional level. The judiciary must be able to adjudicate independently and impartially in accordance with the provisions of the law, not to be influenced by public opinion, the executive branch, the legislature or any other party. Article 85 of the Basic Law states that “The courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions.”

Therefore, there is an institutional guarantee that judges shall exercise their judicial powers independently. There are also strict regulations on the appointment and removal of judges, conditions of service and immunities in exercising judicial powers, in order to ensure judicial independence.

When a legal dispute is being determined, the scales of justice are not tilted in favour of or against anyone. The rule of law is the foundation of a cohesive society. We must all do our best to preserve it and treasure it.

Reflection Questions

How does the Basic Law safeguard the rule of law?

Why is respect for the rule of law important to the development of society and the common good?