



ANNUAL REPORT TO THE BOARD OF MANAGEMENT

July 2018 - June 2019

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ANNUAL REPORT
THE CENTRE FOR COMPARATIVE AND PUBLIC LAW
JULY 2018- JUNE 2019

Members of CCPL Board of Management 2018-2019

Cora Chan

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Faculty of Law
The University of Hong Kong

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Eliza Lee

Professor, Director
Centre for Civil Society and Governance
Faculty of Social Sciences
The University of Hong Kong

Anna Wu

Non-official Member,
Executive Council of Hong Kong SAR
Government (until 30 June 2017)
Chair, Hong Kong Competition Commission

Simon NM Young

Professor, and Associate Dean (Research)
Faculty of Law
The University of Hong Kong

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Emeritus Professor
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Institute for Peace and Conflict Resolution
School of Law, University of Hawaii

Hurst Hannum

Professor of International Law
The Fletcher School
Tufts University

Core Staff



Associate Professor **Kelley Loper** has been the Director of CCPL since July 2017. She is also the Co-Director of the LLM in Human Rights Programme, and Co-Editor-in-Chief of the Asia-Pacific Journal on Human Rights and the Law. She has published extensively on refugee protection in Asia, the rights of persons with disabilities, sexual orientation and gender identity discrimination in Hong Kong, and the implementation of international human rights law in domestic contexts. She has served on the boards or advisory committees of several non-profit organizations including the Hong Kong Refugee Advice Centre (as past Chairperson), Justice Centre Hong Kong, and Amnesty International (Hong Kong). She has also advised other international and local organizations including the UNHCR, UN Women, and the Hong Kong Human Rights Monitor on a range of human rights issues.



Lecturer **Lindsay Ernst** is the Associate Director of the Centre for Comparative and Public Law. Lindsay specializes in developing interdisciplinary experiential learning opportunities focused on advancing social justice and human rights. Prior to joining the University of Hong Kong as a researcher and part-time lecturer in 2012, Lindsay was the Head of Clinical Programmes at the Justice Centre Hong Kong (formerly the Hong Kong Refugee Advice Centre) where she designed and launched the Refugee Legal Assistance Clinic in collaboration with the University of Hong Kong, Chinese University of Hong Kong, Brooklyn Law School and the University of New South Wales. Prior to moving to Hong Kong in 2007, Lindsay was a Skadden Fellow with the Juvenile Rights Division of the Legal Aid Society of New York City, and an Adjunct Professor at Fordham University School of Law. She has also served as a law clerk with the King's County Family Court in New York and the Public Defender Service in Washington DC. Her areas of interest include community legal education and empowerment, migration, children's rights, disability rights, clinical legal education.



Assistant Professor **Dr Alex Schwartz** is the Deputy Director of the Centre for Comparative and Public Law. Dr. Schwartz joined the Faculty of Law in July of 2017. His research is focused on courts and judicial behaviour, particularly in the context of deeply divided, transitional, and crisis-prone polities. He was previously Lecturer in Law at Queen's University Belfast, where he was also an Associate Fellow of the Senator George J. Mitchell Institute for Global Peace, Security and Justice. Before that, Dr. Schwartz was a Banting Fellow with the Department of Political Studies at Queen's University (Canada), a visiting scholar at the Centre for the Study of Social Justice at Oxford, and a postdoctoral fellow with the Canada Research Chair in Quebec and Canadian Studies at L'Université du Québec à Montréal. Dr. Schwartz is currently working towards a book on judicial power in 'difficult' contexts.



Elizabeth Lui is the Assistant Research Officer of the Centre for Comparative and Public Law. Elizabeth previously worked at Amnesty International Hong Kong as the Human Rights Education Officer, and currently stays at AIHK's LGBTI Group as a volunteer. She earned her Master's Degree in Comparative Social Policy at Oxford University, and Bachelor's Degree in Government and Public Administration at the Chinese University of Hong Kong. Her research interests include sexual orientation/ gender identity/ expression/ sex characteristics, people on the move and artificial intelligence/ machine learning.



Lili Ullmann was the Assistant Research Officer for Human Rights at the Centre for Comparative and Public Law and the Master of Laws in Human Rights Programme (until February 2019). Prior to joining Hong Kong University, Lili was a junior lawyer at the Court of Appeal in Berlin, the German Federal Ministry for Economic Cooperation and Development, and the German Consulate General in Hong Kong. She studied law at Humboldt University, Berlin, and Queen Mary University, London, before completing her LL.M. in International Human Rights, Refugee and Climate Change Law at the University of Warwick, where she subsequently stayed on as a tutor. Parallel to her studies, Lili was a research assistant at the Konrad-Adenauer-Foundation and the Coventry Law Centre Refugee and Asylum team, as well as a member of the European Youth Parliament (EYP).

Lydia Choi was appointed Assistant Research Officer in Human Rights for the LLM in Human Rights Programme in February 2019. Lydia is an alumna of the Programme and joined the Centre for Comparative and Public Law as a Research Assistant in November 2018. She is now mainly responsible



for supporting the development of the Programme and coordinating the Faculty of Law's human rights activities and events. Prior to joining the University of Hong Kong, Lydia worked at the Law Society of Hong Kong and the Education University of Hong Kong as a research associate after obtaining her law degree at the University of Leicester in 2016, where she was also a legal researcher for its Pro Bono Team. She also took part in the Rule of Law Education Project during her LLM studies. Her research interests include constitutionalism and the rule of law, civil and political rights, NGOs and social movements in Hong Kong.



Winnie Law is the Executive Secretary for CCPL. She manages the administration of CCPL in respect of all its activities, events and projects. She oversees a small team of part time staff as well as student research assistants and volunteers who assist with CCPL event organisation and research related activities. Her duties include event management and support for CCPL's conferences and seminars, administration related to grant management, and logistical support for receiving the Centre's visitors, etc.

Overview

The Centre for Comparative and Public Law (CCPL) was established in 1995 as a virtual centre within the Faculty of Law. Its goals are to: (1) advance knowledge on public law and human rights issues primarily from the perspective of international and comparative law and practice; (2) encourage and facilitate collaborative work within the Faculty, the University, and the broader Hong Kong community in the fields of comparative and public law; and (3) make the law more accessible to the community and more effective as an agent of social change. To advance these goals, the Centre has continued to actively engage with global, regional and local academics, practitioners, government bodies, and civil society organizations.

In the past year, in order to highlight and build on the Centre's core strengths and the expertise of its affiliated researchers, CCPL has identified, within its broader themes,¹ **five areas of focus**: (1) Judicial Studies; (2) Migration; (3) Equality and Non-discrimination; (4) Public Law and Governance; and (5) Empirical Legal Research. These groupings have facilitated collaborative and interdisciplinary research, knowledge exchange, and teaching and learning activities on a range of current public law issues. This report provides more detail about CCPL's achievements during the reporting period from 1 July 2018 to 30 June 2019.

Research and Events

The Centre has supported rigorous, high quality research output published in academic and professional journals and books. CCPL-affiliated researchers are renowned for their expertise in a number of areas

¹ The Centre's broader themes are: Comparative Public Policy, Comparative Human Rights, Constitutional Societies, and International Law in the Domestic Order.

including the one country two systems framework in Hong Kong, courts and judges, comparative constitutional law, constitutionalism in Asia, the rights of marginalized communities, and the implementation of international human rights law in domestic contexts. CCPL scholars continue to attract substantial local and international funding. The Centre “houses” and provides administrative support for these projects by managing the use of research funds, hosting related conferences and other events, and helping disseminate research results in other ways.

During the reporting period, CCPL housed **25** research projects funded by internal and external competitive grants, including the Research Grant Council’s General Research Fund (GRF), the Hong Kong Equal Opportunities Commission, HKU’s Global Partnership Seed Fund, the HKU Knowledge Exchange Office, the National Democratic Institute for International Affairs, the Association of Commonwealth Universities, the US Consulate General in Hong Kong and Macau, and Plan International Hong Kong. CCPL was also commissioned to conduct contract research and develop training materials and workshops. The total funding managed by the Centre this year was **HK\$5,010,637**. These projects have produced several new publications (Appendix 3 of this Report).

From July 2018 to June 2019, CCPL organised 39 events, including 7 major international conferences on a range of subjects including gender and constitutionalism, proportionality in Asia, torture and rehabilitation, combating violence against children, marriage equality in Asia, and safeguarding the rights of torture survivors. Other events have considered recent court decisions on the rights of sexual/gender minorities; the extradition bill proposed by the Hong Kong SAR Government; judicial reforms in China; populism and its implications on the rule of law around the world; the protection of refugees in Asia; hate speech regulation in the European Union; and wildlife trade in Hong Kong and beyond. Participants have included leading experts, scholars, practitioners and activists from around the world. CCPL, along with the Human Rights Hub, has also hosted a *Human Rights Seminars Series*, which featured lunchtime talks on topics such as racial discrimination, statelessness, the right to asylum, violence against children and the rights of persons with disabilities. Most events have been made publicly available on the CCPL *YouTube* channel (see below).

CCPL has continued the work of the Judicial Studies Programme (JSP), first launched in 2015, within the Judicial Studies focus area. It held its first collaborative event with Shanghai University of Political Science and Law in December 2018 and the next JSP transnational judicial round-table is planned for 2020. Future JSP activities will also include: 1) regular transnational judicial round-tables; 2) occasional CCPL public lectures by eminent jurists; and 3) for the benefit of HKU students, occasional taught ‘masterclasses’ with eminent jurists. More generally, the JSP will foster multiple fora for knowledge exchange between judges, lawyers and academics to address the problems facing judiciaries today (especially in the Asia Pacific) and share views on how those problems might best be resolved in a cost-effective and timely manner and in the interests of justice.

Knowledge Exchange

CCPL has continued to actively disseminate research output and share faculty expertise beyond the academic community through events, online resources, capacity building workshops, and submissions to policy-making bodies. In doing so, it has built a strong network of individuals and organizations involved in public law work including legal practitioners, government officials, legislators, members of the judiciary,

international and local human rights organizations, and students and alumni of the Master of Laws in Human Rights Programme. The Centre's research has generated discussions across stakeholder groups (governmental and non-governmental) and led to law reform proposals and debates in a variety of areas within the Centre's remit. Increasingly, the Centre has creatively used technology to develop case and treaty databases, websites such as the Disability Rights Resource Network and the Human Rights Hub (funded by HKU Knowledge Exchange Impact grants), a *YouTube* channel, infographics, and a presence on social media platforms such as *Facebook*, *Twitter*, *Instagram*, and *LinkedIn* to reach a broader audience.

Centre members have regularly made submissions to international and local bodies on public law issues. For example, CCPL's former Director, Puja Kapai, made a deputation to the Legislative Council's Panel on Constitutional Affairs commenting on Hong Kong's report to the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD Committee) under the International Convention on the Elimination of All Forms of Racial Discrimination. CCPL also submitted an alternative report to the CERD Committee in July 2018. Centre Director, Kelley Loper, and former Director, Puja Kapai, both made deputations to the Legislative Council as part of the follow-up to this reporting process in November 2018.

Teaching and Learning

In addition to research and knowledge exchange impact, CCPL has contributed to curriculum development and supported teaching and learning. The Centre regularly involves students in its projects, providing experiential learning opportunities and mentorship. For example, students enrolled in the Human Rights in Practice course in the Faculty of Law have developed training manuals and conducted workshops for human rights-advocates. CCPL's alternative report to the CERD Committee was based on research conducted by students in the Faculty's Equality and Non-discrimination course in the spring semester of 2018.

YouTube Channel



CCPL

CENTRE FOR COMPARATIVE AND PUBLIC LAW
AT THE FACULTY OF LAW, THE UNIVERSITY OF HONG KONG

Centre for Comparative and Public Law



上載影片



已建立的播放清單



The Centre reaches a broad audience by uploading videos of most of its conferences and seminars on its *YouTube* Channel. Enhancements have been made to the individual events pages on the CCPL website so visitors are able to view and download PowerPoint slides, papers, and other relevant materials. At the end of the reporting period, CCPL's *YouTube* Channel had 213 subscribers.

Fellows

Fellows are full-time researchers and teachers in the Faculty of Law at the University of Hong Kong with demonstrated expertise in the fields of comparative and public law; whose work aligns with the broader aims of the Centre and its particular areas of focus; and who actively contribute to CCPL activities.

For a complete list of Fellows, see **Appendix 2**.

Visiting Fellows

Visiting Fellows are external scholars (including those pursuing research postgraduate degrees) who visit CCPL to conduct research, present at events, and participate in other significant ways for a fixed period of time, typically ranging from one to six months. They are self-funded, although the Centre generally provides desk space, library access, and access to the CCPL and Faculty facilities and networks.

Visiting Fellows during the reporting period included the following scholars:

Dr. Jen Hendry is an Associate Professor in Law and Social Justice at the University of Leeds School of Law, and a graduate of the Universities of Glasgow (LLB Hons 2002) and Edinburgh (LLM 2003), and the

European University Institute (PhD 2009). She researches in the fields of social and legal theory, socio-legal studies, and comparative legal studies, and is currently writing on issues of indigenous justice and legal pluralism. Jen is Director of the School's Centre for Law and Social Justice, Vice-Chair of the Socio-Legal Studies Association (SLSA), and member of the ESRC peer review college.

Visiting Period: 14 January 2019 – 30 June 2019

Dr. Mara Malagodi, is a Professor at the City University Law School in London where she convenes the LLM course in Comparative Constitutional Law. Mara also teaches Constitutional & Administrative Law, Legal Method, and Public Law. Mara is a comparative constitutional lawyer with a linguistically-informed specialism in South Asian law and politics (in particular Nepal, India, and Pakistan), human rights law, and legal history. Her publications include *Constitutional Nationalism and Legal Exclusion: Equality, Identity Politics, and Democracy in Nepal (1990-2007)* (Oxford University Press).

Visiting Period: 1 January 2019 – 30 June 2019

Yan Ho Lai is a Doctoral Candidate in Law at the School of Oriental and African Studies (SOAS), University of London. He was awarded a Bachelor Degree of Social Science in Government and Public Administration at the Chinese University of Hong Kong in 2012. He has been researching and teaching in universities and tertiary education institutions since 2014, after being awarded a degree of Master of Science in Political Sociology at the London School of Economics and Political Science in 2013. He is interested in studying comparative law and politics, law and social movements, legal culture and religious freedom. His current doctoral research evaluates the significance of law schools on the development of the legal profession and the rule of law culture in Hong Kong.

Visiting Period: 15 August 2018 – 14 July 2019

Jian Xu is a PhD candidate in political economy at Emory University. His research focuses on the political and legal risks faced by foreign investors in emerging economies. He is also interested in studying the influence of Chinese investment on the rule of law in Hong Kong, authoritarian judicial politics, and transnational anti-corruption legal regimes such as the FCPA. He received a master's degree in political science from Duke University, and a Bachelor of Management degree from Zhejiang University. He was a visiting fellow at the Centre for Chinese and Comparative Law at the City University of Hong Kong. He has given presentations to J.P. Morgan Chase's commercial banking practice regarding insights on China's political and economic landscape, with audience including senior management, bankers, treasury advisors and international specialists with the commercial bank.

Visiting Period: 20 -24 August 2018

Dr Benedict Coxon is Career Development Fellow in Law at Hertford College, Oxford, where he teaches Constitutional Law and Administrative Law. His primary area of research is statutory interpretation. Dr Coxon's work covers related public law issues and extends to comparative public law, with a focus on Commonwealth countries. His research while at CCPL focused on common law principles of statutory interpretation that protect human rights and the relationship of these with the Basic Law (and Bill of Rights).

Visiting Period: 30 July – 17 August, 2018

Professor Aeyal Gross is a member of the Faculty in Tel Aviv University's Faculty of Law where he teaches International Law and Constitutional Law. He holds an LL.B. from Tel Aviv University (1990) and an S.J.D. from Harvard Law School (1996). In 1998 he was awarded the Diploma in Human Rights from the Academy of European Law, European University Institute, in Florence. Professor Gross serves as a member of the Board of the Association for Civil Rights in Israel. He is a founding member of TAU's LGBT & Queer Studies Forum. He also contributes regularly to the Israeli daily Ha'aretz. See www.aeyalgross.com. Prof. Gross also served as a research fellow at the Institute of Advanced Legal Studies at the University of London, as a Visiting Fellow at the Stellenbosch Institute for Advanced Studies in South Africa, and as a Joseph Flom Global Health and Human Rights Fellow at Harvard Law School. Additionally he taught as a visitor at Columbia University and the University of Toronto and in the Academy of European Law, European University Institute, Florence. In 2017 he was a Fernard Braudel Senior Fellow at the European University Institute, Florence. He also teaches as Visiting Reader at the School of Oriental and African Studies (SOAS), University of London. He is the author of numerous articles, including "After the Falls: International Law between Postmodernity and Anti-Modernity" (in Helene Ruiz-Fabri, Emanuelle Jouannet & J.M. Sorel, eds., *Regards D'Une Generation Sur Le Droit International*, Editions Pedone, 2008), "Gender Outlaws Before the Law: The Courts of the Borderlands" (*Harvard Journal of Law & Gender*, 2009), "Post/Colonial Queer Globalization and Human Rights: Images of LGBT Rights", (*Jindal Global Law Review*, 2013), "Litigating the Right to Health: What Can We Learn from a Comparative Law and Health Care Systems Approach" (*Health and Human Rights*, 2015), "'We Didn't Want to Hear the Word Calories': Rethinking Food Security, Food Power, Food Sovereignty - Lessons from the Gaza Closure" (With Tamar Feldman, *Berkeley Journal of International Law*, 2015), and "Homoglobalism: The Emergence of Global Gay Governance" (in Dianne Otto, ed., *Queering International Law*, Routledge 2017). He is the co-editor, with Colleen Flood, of *The Right To Health At The Public/Private Divide: A Global Comparative Study* (Cambridge University Press, 2014), which includes his article "The Right to Health in Israel Between Solidarity and Neo-liberalism", and the author of *The Writing on the Wall: Rethinking the International Law of Occupation* (Cambridge University Press, 2017).

Visiting Period: 25 - 29 June 2018

CCPL Research Team

(Senior Research Assistants, Research Assistants, Student Research Assistants and Student Rapporteurs)

Azan Marwah	Chung Yan Ho Titus	Yukiki Lui	Kelly Chan
Sabrina Leung Chi Yung	Andy Lam	Holly Allan	Carlie Ko
Joyce Lui Wing Yau	Angela Luk	Mazelle Etessami	Cynthia Tam
Cindy Kim	Fong Wai Sum	Alison Code	Sam Pang
Jeong Yun Ha	Nicole Chan	Lydia Choi	Edward Lui
Fang Yi Chun	Ou Lei	Ni Zhen	Dennis Lui
Liu Tzu Yu	Isabella Seif	Vivian Kwok	Katie Law
Ho Lun Kenneth Lee	Crystal Cheung	Zhu Zichen	Parmeet Kaur
Chen Bixni	Shelley Leung	Rafael Pang Lok Sang	Jamie Wong
Urania Chiu	Kan Chi Cheung	Ann Cheung	Lau Ting Yin

For more information on related projects, see **Appendix 3**.

Public Conferences, Roundtables and Panel Discussions

Most CCPL events are open to the general public and free of charge. Participants at CCPL events come from the academic and legal communities, civil society organisations, government, policy think tanks, advocates and other interested members of the community. The Centre also attracts a wide range of students from across the HKU.

During the reporting period, CCPL held **7 major conferences** including:

Conference on Safeguarding Children’s Best Interests: Translating Policies into Local Practices – Combating Violence against Children

8 September 2018

The objectives of the conference were to launch the Child Rights Impact Assessment Framework (“the CRIA Framework”), to assess the state of knowledge and skills required for the implementation of the CRIA Framework as well as to develop interdisciplinary communities of practice to effectively incorporate international best practices in safeguarding children’s rights and interests. Mikiko Otani, member of the UN Committee on the Rights of the Child, Anne-Claire Blok, the Human Rights Advisor of Plan International’s United Nations Office in Geneva and Rasa Sekulovic, the Head of Child Protection and Partnerships of Plan International Asia Regional Office were among the conference’s international speakers.

International Symposium 2018 – Rehabilitation and Redress: Expanding the Rights of Survivors of Torture in Hong Kong (17-18 November)

Programme on 17 November 2018

Opening Remarks

Piya Muqit, Executive Director, Justice Centre Hong Kong

Keynote Speech

Jayne Fleming,
Pro Bono Counsel, Reed Smith, New York
Rehabilitation for torture survivors and case studies

The Hong Kong Context

Dr Ning Fan, Surgeon and Chairman, Health In Action

Breakout sessions

Small facilitated groups explored interdisciplinary collaborations to implement best practice, focusing on producing ideas for collaboration. A thematic approach to the right to non-refoulement, exploring asylum claims in the context of torture.

1. Gender based violence led by Juliet Cohen and Semaab Shaikh
2. Detention & expedited procedures: led by Mandira Sharma and Isaac Shaffer

Moderated Panel: The Right to Redress Pursuing Alternative Remedies

Moderator : James A. Goldston Executive Director, Open Society Justice Initiative
Panellists : Fatima Bokhari, Jonathan Chang, Upul Kumarapperuma
Identifying options and designing strategies to achieve redress for survivors of torture
Discussion led by three leading human rights practitioners.

Interdisciplinary Conversation

Dr Juliet Cohen, Head of Doctors, Freedom from Torture and
Jayne Fleming , Pro Bono Counsel, Reed Smith, New
Holistic rehabilitation: an engaged, interdisciplinary conversation

Presentation: Guidelines Development

Dr Juliet Cohen, Head of Doctors, Freedom from Torture
Quality of health care: new guidelines for torture survivors in detention

Programme on 18 November 2018

...I'd Like Your Help on My Case -But I Have Nowhere to Live

Raquel Amador, founder of Hong Kong Refugee Advice Centre, presented unique insights into welfare aspects for survivors of torture. For rehabilitation to be holistic, it needs also to consider social welfare. To what extent is that available and accessible?

Breakout sessions

Further themed discussions on the right to non-refoulement, exploring asylum claims in the context of torture.

<p>A. Improving Mental Health Outcomes: Tracy Worrall QPASST, Queensland B. Access to Justice: Martin Rogers, Partner, Davis Polk and Wardwell, Hong Kong</p> <p>A. Survivors in Detention: Gary Outten, OSSTT, New South Wales B. Strategic Litigation and Torture Survivors: Jamie Kerr, Burness Paull</p>
<p>Moderated Panel: The Personal Cost: Some Experience of Human Rights Litigators</p> <p>Moderator: Masha Lisitsyna, Senior Managing Legal Officer, Open Society Justice Initiative Panellists: Pornpen Khongkachonkiet (Thailand) -Gilbert Andres (the Philippines) -Mandira Sharma (Nepal)</p>
<p>Torture Rehabilitation Working Group Establishment Principles of the Torture Rehabilitation Working Group</p>
<p>Report Back</p> <p>Delegates share learnings of small groups and concur on some principles of the Torture Rehabilitation Working Group</p>
<p>Closing Address</p> <p>Lindsay Ernst, Associate Director, Centre for Comparative and Public Law</p>

Proportionality in Asia Conference

10 December 2018

In the 21st century, the Proportionality doctrine – in its varied permutations – has emerged as the most common-place legal doctrine relied upon by judges in rights adjudication. With its genesis in German law, this Proportionality doctrinal device has diffused globally across Europe to the Anglophone nations (e.g. United Kingdom, Australia, Canada, and New Zealand), mixed legal systems that are rooted in the common law (e.g. Israel and South Africa), and even parts of Latin America and Asia. This Conference brought scholars from around the world to examine how the Proportionality doctrine is applied in Asia and how its manifestations in Asia differ from the West.

Programme:

Panel 1: Proportionality in East Asia

Chair & Commentator: Po Jen Yap; Professor, the University of Hong Kong

Proportionality in Asia: Po Jen Yap; Professor, the University of Hong Kong

Proportionality in Hong Kong: Rehan Abeyratne, Assistant Professor, Chinese University of Hong Kong

Proportionality in Taiwan: Chien-Chih Lin, Assistant Research Professor, Academia Sinica

Proportionality in South Korea: Yoon Jin Shin; Assistant Professor, Seoul National

University Proportionality in Japan: Shigenori Matsui; Professor, University of British Columbia
Panel 2: Proportionality in South and South East Asia
Chair & Commentator: Mark Tushnet, William Nelson Cromwell Professor of Law, Harvard Law School
Proportionality in India: Shubhankar Dam; Professor, University of Portsmouth Proportionality in Bangladesh: Md. Rizwanul Islam; Associate Professor, North South University of Bangladesh Proportionality in Malaysia: Benjamin Joshua Ong; Lecturer, Singapore Management University Proportionality in the Philippines: Bryan Dennis Tiojanco (with Ronald San Juan); Postdoctoral Fellow, National University of Singapore

Gender and Constitutionalism in Asia

16-17 January 2019

This conference explored the potential of constitutionalism to affirm and sustain the equal citizenship of women and sexual minorities across the Asian region. Speakers considered ways in which constitutional texts and related doctrines confirm or subvert the pre-existing gender order in several representative case studies. They also reflected on issues such as political equality, same sex marriage, intersex/transgender/third gender identity, reproductive rights, distribution of care roles within the family, freedom from violence, socio-economic rights, women's constitutional status and legal pluralism, and constitutional responses to intersectionality such as between gender and race/ethnicity and non-citizen women such as refugees and migrant workers. The aim was to understand the legal, societal and political forces shaping the evolution of the law and to draw best practices from a wider pool of jurisdictions.

Programme:

Day 1 (16 January 2019)
Opening remarks
Kelley Loper, the University of Hong Kong Ruth Rubio-Marin, Universidad de Sevilla
Panel 1: Framework and themes
Ruth Rubio-Marin, Universidad de Sevilla Carole Petersen, University of Hawaii at Manoa Marco Wan, the University of Hong Kong
Panel 2: Hong Kong
Kelley Loper, the University of Hong Kong

Commentator: Amy Barrow, Macquarie University
Panel 3: Malaysia, Singapore Dian Abdul Hamed Shah (via Skype), National University of Singapore Jaclyn Ling Chien Neo, National University of Singapore Commentator: Mara Malagodi, University of London
Panel 4: China, Taiwan Eva Pils, King's College London (via Skype) Wen-Chen Chang, National Taiwan University Commentator: Fu Hualing, the University of Hong Kong
Panel 5: Japan, Korea Akiko Ejima, Meiji University Yoon Jin Shin, Seoul National University Commentator: Wen-Chen Chang, National Taiwan University
Day 2 (17 January 2019)
Panel 6: Thailand, Indonesia Panthip Pruksacholavit, Chulalongkorn University Linda Yanti Sulistiawati, Gadjah Mada University Commentator: Ngoc Son Bui, The Chinese University of Hong Kong
Panel 7: India, Nepal, Pakistan Shreya Atrey, University of Bristol Mara Malagodi, City, University of London Rubya Mehdi, University of Copenhagen Commentator: Surabhi Chopra, The Chinese University of Hong Kong

Wildlife Crime Seminar (2.0): Tipping the Scales against Hong Kong's Illegal Wildlife Trade

22 January 2019

In 2015, Hong Kong held its first comprehensive seminar on illegal wildlife trade, supported by the ADM Capital Foundation and hosted by the Law Faculty, the University of Hong Kong. This examined Hong Kong's role as a major conduit for trade in threatened species to China. Expert international and local panellists identified the challenges and opportunities for the city to play a part in the growing international effort to combat wildlife crime.

In 2016, the UNODC responded to mandates from the UN Economic and Social Council and the UN General Assembly to take stock of wildlife crime globally. The result was a bleak picture wherein large volumes of threatened wildlife are being trafficked, by organized criminal syndicates across the globe. At the same time, UNODC provided the international community with insights and means to better understand and address such clandestine markets.

In 2018, the HKSAR took bold steps forward, phasing out the ivory trade, introducing indictable crimes and raising penalties for wildlife trafficking and illegal trade. Soon to be released research has for the first time characterized and provided clearer insights into the transnational, serious, and organised nature of illegal wildlife trafficking, and Hong Kong's role in this lucrative trade.

Hong Kong's illegal wildlife trade is large by volume, underestimated, and is contributing to a global extinction crisis. Over the last decade the estimated value of wildlife products seized has increased 1,600%. Wildlife crime in the city however is not treated as a serious crime, despite its social, economic and environmental impacts. There is lack of support to investigate people or materials in connection with organised crime, leaving little capacity to prosecute those behind the networks and syndicates that take advantage of Hong Kong's position as a major trade hub.

The seminar '**Tipping the Scales against Hong Kong's Illegal Wildlife Trade**' aimed to gather data, views and opinions from leading wildlife experts, investigators, government representatives, lawmakers and legal professionals that highlight the urgency and continued need to combat the illegal wildlife trade. In doing so it examined the evolving situation in Hong Kong, as well as the implications of Hong Kong's recent legislative amendments and what more needs to be done if the city is to respond effectively to its role in the global extinction crisis.

Programme:

9:15	Welcome	Lisa Genasci CEO ADM Capital Foundation
9:20	HKSAR Government Commitment to Tackling Wildlife Crime	CW Tse Government of the HKSAR Under Secretary for the Environment
9:25	Keynote: Global Efforts to Combat the Illegal Wildlife Trade	John E. Scanlon Special Envoy Africa Parks Former Secretary General of CITES
10:10	Criminal Justice Responses to Wildlife Trafficking	Giovanni Broussard Regional Programme Coordinator Global Programme for Combating Wildlife and Forest Crime, United Nations Office on Drugs and Crime
10.40	Q&A / Discussion	Moderator: Mark Clifford Executive Director, Asia Business Council
11.00	Coffee Break	

11:20	The Organised and Serious Nature of Wildlife Crime – Investigations and Linking to Asia	Justin Gosling Independent law enforcement and criminal justice specialist
12:00	Trading in Extinction: The Dark Side of Hong Kong’s Wildlife Trade	Sophie le Clue Environment Programme Director, ADM Capital Foundation Sam Inglis Environment Research Manager, ADM Capital Foundation
12:20	The Prosecution Challenge – Contextualizing Hong Kong’s Wildlife Crime Regime	Mark Fenhalls QC 23 Essex Street Chambers, UK
13:00	Q&A / Discussion	Moderator: Mark Clifford Executive Director, Asia Business Council

Extradition Law and Human Rights: Does the Hong Kong Government’s Bill Provide Sufficient Safeguard for Our Rights?

11 June 2019

The Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 was scheduled to be placed before the full sitting of the Legislative Council on 12 June 2019. This conference examined whether the Bill contains sufficient safeguards for the rights of people in Hong Kong, as well as other legal issues, drawing on diverse perspectives and the law and practice of extradition in other jurisdictions. Speakers included local, mainland and international experts:

- Prof Johannes Chan SC (Hon), the University of Hong Kong
- Ms Cora Chan, the University of Hong Kong
- Prof Albert Chen, the University of Hong Kong
- Prof Ian Grenville Cross SBS, SC, Honorary Professor of Law, the University of Hong Kong, Honorary Visiting Professor of Law, The Chinese University of Hong Kong, former Director of Public Prosecutions of Hong Kong Special Administrative Region
- Mr Philip Dykes SC, Chairman of Hong Kong Bar Association
- Dr Asad Kiyani, University of Victoria
- Dr Margaret Ng, barrister, former member of the Hong Kong Legislative Council
- Sir Geoffrey Nice QC, international human rights barrister and Chief Prosecutor in trial of Slobodan Milošević (by video-conferencing)
- Mr Mark Summers QC, member of the Bar Human Rights Committee of England & Wales (by video-conferencing)

Marriage Equality Forum

15-16 June 2019

Co-hosted by CCPL and Hong Kong Marriage Equality (HKME) and supported by lead sponsor Hong Kong LGBT+ Attorneys Network and supporting organizations Pink Alliance and WYNG Foundation, the MEF was a free community conference aimed at bringing local activists, academics, practitioners and allies together for a dialogue on how to advance marriage equality in Hong Kong. Guest speakers included, but were not limited to, Dr. Marco Wan, Associate Professor, Faculty of Law, HKU; Tim Parker, Barrister-at-law at Denis Chang's Chambers; Jimmy Sham, the judicial review applicant in the STK case; and Joseph Cho, a member of Nutong Xueshe.

Apart from local civil society groups and academics, we were privileged to have notable marriage equality activists from Taiwan and the United States joining the conference and sharing their experience. These guests included Evan Wolfson, Founder of Freedom to Marry (FTM); Cameron Tolle, FTM's Director of Digital Action; Thalia Zepatos, FTM's Director of Research and Messaging; Jennifer Lu, Coordinator of Marriage Equality Coalition Taiwan; and Victoria Hsu, Founder of Taiwan Alliance to Promote Civil Partnership Rights.

Programme:

DAY 1 (15 June 2019)			
End	Programme	Speakers	Language
9:00	Registration		
9:05	Welcome Remarks	Professor Fu Hualing <i>Interim Dean, Faculty of Law, HKU</i>	English
9:10	Opening Remarks	Gigi Chao <i>Co-founder, Hong Kong Marriage Equality (HKME)</i>	Cantonese/ English
9:25	Keynote Speech	Dr. York Chow <i>Former Chair, Equal Opportunities Commission</i>	Cantonese/ English
09:30	Photo-taking	Guests of Honour, guest speakers, organizers	
10:30	Plenary Session I: Marriage Equality in Hong Kong – Legal and Social Landscapes	Tim Parker <i>Barrister-at-law, Denis Chang's Chambers</i> Geoffrey Yeung <i>Barrister-at-law, Denis Chang's Chambers</i>	Cantonese/ English
10:45	Coffee Break		

11:15	Keynote Presentation: Marriage Equality in Hong Kong: Past, Present, Future	Dr. Marco Wan <i>Associate Professor, Faculty of Law, HKU; Fellow, CCPL</i>	Cantonese
11:30	Q & A		
12:45	Plenary Session II: The U.S. Experience	Evan Wolfson <i>Founder, Freedom to Marry (FTM)</i>	English
14:00	Lunch		
15:15	Plenary Session III: The Taiwan Experience	Victoria Hsu <i>Founder, Taiwan Alliance to Promote Civil Partnership Rights</i> Jennifer Lu <i>Coordinator, Marriage Equality Coalition Taiwan</i>	Mandarin
16:15	Panel Discussion I: Shared Traditions and Challenges - U.S., Taiwan and Hong Kong	Panellists: Victoria Hsu Jennifer Lu Dr. Marco Wan Evan Wolfson Moderator: Azan Marwah <i>Barrister-at-law, Gilt Chambers; Advisor, HKME</i>	English / Mandarin
16:45	Q & A and Wrap-up		
DAY 2 (16 June 2019)			
Start	End	Program	Speakers
8:30	9:00	Registration	
9:00	09:05	Introduction	Jerome Yau <i>Co-founder, HKME</i>
9:05	10:30	Path to Victory Workshop I: Internal Mobilization Elements of successful campaign; Building momentum overtime; Organizational structure and coalition building	Speakers: Victoria Hsu Jennifer Lu Evan Wolfson Cameron Tolle <i>Director of Digital Action, FTM</i> Thalia Zepatos <i>Director of Research and Messaging, FTM</i> Moderator:
			Cantonese/ English/ Mandarin

			Jerome Yau	
10:30	10:40	Coffee Break		
10:40	13:00	Path to Victory Workshop II: Winning Hearts and Minds Building campaign online and offline; Overcoming challenges and conservative oppositions	Speakers: Victoria Hsu Jennifer Lu Cameron Tolle Evan Wolfson Thalia Zepatos Moderator: Jerome Yau	Cantonese/ English/ Mandarin

Executive Courses

Over the years, the Centre has run various intensive executive courses for interested members of the general public where renowned academics and practitioners have shared their knowledge and practical experience. In this reporting period, CCPL ran one course on Proportionality in Global Perspective.

Proportionality in Global Perspective

1 February 2019

The Course comprised of one day of intensive interactive workshops (for a total of 5.5 hours). Proportionality is a public law doctrine that establishes whether an act that infringes on human rights is proportionate to the importance of the interests or rights behind the act. As such, proportionality has become immensely influential all over the world, and is arguably the most important and widespread test in constitutional adjudication globally, and even seen as the main sign for the phenomenon of increased convergence and interdependence of constitutional law what is termed global constitutionalism. The course will document the historical origins and spread of proportionality, discuss the different versions of proportionality in different countries, including in Hong Kong, and engage with the main debates and controversies that surround this doctrine.

The course was led by Professor Iddo Porat, Professor of Constitutional Law at the College of Law and Business, Israel. Professor Porat received his LL.B. from the Hebrew University, Jerusalem, magna cum laude (joint program with the Department of Philosophy), clerked at the Israeli Supreme Court (Justice Dalia Dorner) and received his LLM and JSD from Stanford Law School. Professor Porat was a visiting professor at San Diego Law School (2008-2009) and a Senior Fellow at the Center for Comparative Constitutional Studies at Melbourne Law School (2017-2018). Professor Porat's areas of research are constitutional law, comparative constitutional law, and legal theory, and he specializes in the doctrines of proportionality and balancing.

Seminars and other Events

Seminars and panel discussions offer the opportunity for leading academics and practitioners to share their recent research on a wide range of themes and topics with the University of Hong Kong's faculty and students, as well as the wider Hong Kong community. Similar to CCPL conferences, workshops and roundtables, these CCPL events are generally open to the public and free of charge. In 2018-19, in addition to the 7 major conference discussed above, CCPL hosted **32 Seminars, Panel Discussions, Workshops and other Academic Events**. These were organized and led by CCPL-affiliated colleagues and many resulted from research projects housed in the Centre. The Human Rights Seminar Series was co-hosted by the Human Rights Hub in the Faculty of Law.

HUMAN RIGHTS SEMINARS SERIES

<p>A Panel Discussion on Hong Kong's Unified Screening Mechanism</p> <p>8 October 2018</p> <p>Mark Daly, Partner, Daly, Ho and Associates Patricia Ho, Partner, Daly, Ho and Associates Lo Pui-yin, Barrister, Gilt Chambers Kelley Loper, Director, Centre for Comparative and Public Law</p>
<p>Statelessness in Asia</p> <p>26 October 2018</p> <p>Jelvas Musau, Senior Regional Protection Officer (Statelessness), United Nations Refugee Agency</p>
<p>Panel Discussion on Hong Kong's Implementation of the Convention on the Elimination of all Forms of Racial Discrimination</p> <p>18 December 2018</p> <p>Phyllis Cheung, Executive Director, Hong Kong UNISON, a leading local NGO that upholds racial equality and the rights of ethnic minority residents in Hong Kong. Puja Kapai, Associate Professor, Convenor of the Women's Studies Research Centre, Faculty of Law, the University of Hong Kong Emily Lau Wai-hing, former Chairperson of the Democratic Party (2012-2016) and Legislative Councillor (1991-1997, 1998-2016) Law Yuk-kai, Director, Hong Kong Human Rights Monitor Kelley Loper, Director, Centre for Comparative and Public Law</p>
<p>Human Rights Investigations in the Digital Age: Catching the Fakes and Holding Power to Account</p> <p>18 January 2019</p> <p>Sam Dubberley, Amnesty International</p>

What is the Right to Live in the Community?

29 March 2019

Dr Oliver Lewis, Professor of Law and Social Justice, University of Leeds

Advancing the UN Business and Human Rights Treaty Project Through International Criminal Law: Ensuring Legitimacy and Effectiveness

4 April 2019

Dr Jonathan Kolieb, RMIT University, Australia

Role of a Defence Lawyer in the Prevention of Investigative Torture

14 May 2019

Sanjewa Liyanage, International Program Director, International Bridges to Justice

Indigenous Communities, Collective Rights, and the Collective Voice

20 May 2019

Dr Jen Hendry, Associate Professor, University of Leeds School of Law

OTHER CCPL SEMINARS

Emergency Constitutions: Who has them, who uses them, and are they effective?

14 September 2018

Professor Stefan Voigt
Chair of Economic Analysis of Law, University of Hamburg

#HONGKONGER

20 September 2018

The Zubin Foundation

Populism and Constitutional Tension

20 September 2018

Professor Neil Walker, Regius Chair of Public Law at The University of Edinburgh; Paul KC Chung Distinguished Visitor, Faculty of Law, HKU

The Moral Reading of Legal Pluralism

<p>21 September 2018</p> <p>Dr Jen Hendry, Associate Professor, University of Leeds School of Law Alex Green, Assistant Professor, the University of Hong Kong</p> <p>Hong Kong: Children’s Right to Asylum</p>
<p>7 November 2018</p> <p>Kay McArdle, CEO, PathFinders Limited, Hong Kong Vivian Cheung, Legal Case Manager, PathFinders Limited, Hong Kong</p> <p>The Public Prosecutor and the Rule of Law</p>
<p>4 December 2018</p> <p>Prof Kumaralingam Amirthalingam, National University of Singapore</p> <p>Autonomy as a Form of Internal Self-Determination: A Proposed Role for the United Nations in Monitoring the Implementation of “One Country, Two Systems”</p>
<p>14 January 2019</p> <p>Carole Petersen, University of Hawaii at Manoa</p> <p>Fostering a Culture of Gender Equality in Hong Kong: What Role can Institutional Mechanisms Play?</p>
<p>15 January 2019</p> <p>Amy Barrow, Macquarie Law School (Sydney, Australia)</p> <p>Peter Allan Memorial Lecture in Public Law Public Lecture: The Statutory Interpretation Muddle</p>
<p>21 January 2019</p> <p>Richard H. Fallon, Jr, Story Professor of Law, Harvard Law School</p> <p>Towering Judges: The Proceedings of a Conference</p>
<p>29 January 2019</p> <p>Professor Iddo Porat, College of Law and Business, Israel</p> <p>Democracy – Talk and Book Signing by Mr Justice Bokhary GBM, NPJ</p>
<p>13 February 2019</p> <p>Sexual Orientation and Fundamental Rights - The Emergence of Constitutional and Supranational Standards in Europe?</p>
<p>15 February 2019</p>

Judge Lech Garlicki, Former Judge of European Court of Human Rights
UN Special Procedures and the Mandate of the Special Rapporteur on Minority Issues
27 February 2019
Dr. Fernand de Varennes, United Nations Special Rapporteur on Minority Issues
Law and Gender in Singapore: Representation of Transgender Individuals in Newspapers
1 March 2019
Mie Hiramoto, Department of English Language and Literature, National University of Singapore
The Reality of Law
7 March 2019
Prof. Keith Hawkins, Emeritus Professor of Law and Society, University of Oxford
Challenges to Citizenship in the United States
25 March 2019
Elizabeth R. OuYang, Adjunct Professor, Columbia University and New York University
Lost in Transformation: Social Rights Under a Contradictory Constitution
9 April 2019
Dr Mara Malagodi, Senior Lecturer at City Law School, City, University of London Dr David Vitale, Assistant Professor in the School of Law at the University of Warwick
International Labour Law Now: Towards the Transnational Governance of Work
12 April 2019
Prof. Kerry Rittich, University of Toronto
Elections, Electoral Systems and Democracy in Asia
23 April 2019
Benjamin Reilly, Professor of International Politics, University of Western Australia
The European Approach to Legal Regulation of Hate Speech
24 April 2019
Bjørnar Borvik, Professor of Law, University of Bergen Faculty of Law

Seeking A Balance between Leadership of Party and Independent Trial of Courts: A Review on China's Judicial Reform (co-organized with the Centre for Chinese Law)

25 April 2019

The Origin of Faqanism and Its Main Points

29 April 2019

What is Hong Kong "Surrendering"? A Closer Look at the Proposed Amendments to the Fugitive Offenders Ordinance

17 May 2019

Hectar Pun SC, Denis Chang's Chambers

Anson Wong Yu Yat, Denis Chang's Chambers

Knowledge Exchange Projects

Evaluation of the Impact of Research on the rights of LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer) people in Hong Kong

Project Coordinator: Kelley Loper

Project Team Members: Elizabeth Lui, Vivian Kwok

Summary:

The proposed project aimed to evaluate and strengthen the impact of research on the rights of LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer) people in Hong Kong produced by members of the Faculty of Law, including scholars affiliated with CCPL. It identified impact on relevant policy and law reform debates, strategic litigation in Hong Kong, including advocacy by civil society, and also explored ways to enhance ongoing impact by collecting feedback from and identifying resource gaps with various stakeholders.

Human Rights Hub Website (<https://law.hku.hk/hrhub>)

Project Coordinator: Kelley Loper

Project Team Members: Lindsay Ernst, Karen Kong, Lili Ullmann, Lydia Choi, Shelley Leung

Summary:

The Human Rights Hub website project identified, compiled, and disseminated information on human rights related research, knowledge exchange, and teaching and learning, including human rights experiential learning, in the Faculty of Law. It aimed to highlight the Faculty's significant strengths in the

human rights field, make this work more accessible to non-academic communities, and thus encourage collaboration and enhance local, regional and global impact.

Disability Rights Resource Network (DRRN) Website (<https://disabilityrights.law.hku.hk/>)

Project Coordinator: Kelley Loper

Project Team Members: Lindsay Ernst, Shelley Leung

Summary:

The project aimed to strengthen dissemination of research output and legal and advocacy resources relating to disability rights, especially the UN Convention on the Rights of Persons with Disabilities (CRPD), to the wider community and disability rights advocates in China, Hong Kong and Taiwan in particular. It translated existing materials on the previous Disability Rights Resource Network (DRRN) website from English to Chinese and incorporated new materials based on a survey of the needs of advocates in these three jurisdictions.

Publications



Asia-Pacific Journal on Human Rights and the Law (Vols. 19 and 20)

<http://booksandjournals.brillonline.com/content/15718158>

CCPL provides support for *The Asia-Pacific Journal on Human Rights and the Law*, an international law journal which has been published by Brill for more than a decade. In 2013 former CCPL Director, Simon Young, and Director, Kelley Loper, took over the editorship of the journal which is one of two international, peer reviewed journals in the HKU Faculty of Law, along with the *Hong Kong Law Journal*.

Volume 19 Issue 2 (December 2018)

Contents:

- Te-Yuan Chien, 'Differentiated Human Rights of Migrant Spouses Based on Nationalities in Taiwan'
- Tine Destrooper, 'Accountability for Human Rights Violations in Cambodia: Mapping the Indirect Effects of Transitional Justice Mechanisms'
- Raphael Lorenzo A. Pangalangan, Gemmo Bautista Fernandez and Ruby Rosselle L. Tugade, 'Marcosian Atrocities: Historical Revisionism and the Legal Constraints on Forgetting'
- Emmanuel Q. Fernando, 'The Right to the Free Exercise of Religion in the Philippines'
- E.D. Kusumawati, A.G. Hallo de Wolf and M.M.T.A. Brus, 'Access to Public Housing for Outsiders'

- Dharmendra Kumar Singh, ‘Galvanisation of the Right to Development within the Shared Constitutional Space in India’

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Contents:

- Samantha Bradley, ‘Political Audiences and the Abolition of Capital Punishment in the Asia Pacific’
- Urania Chiu, ‘Compulsory Treatment in the Community in Hong Kong
- Implications of the Current Law and Practice on the Rights of Persons with Mental Illnesses’
- Ya Lan Chang, ‘The Communitarian Case for Decriminalising Male Homosexuality for Singapore’s Common Good’
- Sheikh Mohammad Towhidul Karim, Shawkat Alam, George F Tomossy and Abdullah Al Faruque, ‘Judicial Adherence to the Minimum Core Obligation of a Right to Health in Bangladesh’

Media Presence

Scholars affiliated with the Centre were widely cited in local and regional media outlets during the reporting period. Examples of these interviews and coverage include:

Albert Chen

- ‘Occupy ringleaders to be sent to maximum security prisons, as scholars call on the University of Hong Kong to delay disciplinary proceedings against Benny Tai’, South China Morning Post, 26 April 2019, at <https://www.scmp.com/news/hong-kong/politics/article/3007893/occupy-ringleaders-be-sent-maximum-security-prisons>.
- ‘Row over controversial extradition bill in Hong Kong intensifies as legal scholar’s call for changes sends shock waves through political circles’, South China Morning Post, 4 May 2019, at <https://www.scmp.com/news/hong-kong/politics/article/3008862/row-over-controversial-extradition-bill-hong-kong-rumbles>.
- ‘Carrie Lam sticks to her guns on Hong Kong’s controversial extradition bill, but government will hear public concerns’, South China Morning Post, 7 May 2019, at <https://www.scmp.com/news/hong-kong/politics/article/3009130/carrie-lam-sticks-her-guns-and-insists-therell-be-no-change>.
- ‘Hong Kong’s justice chief dismisses alternatives for extradition law proposed by scholars and lawmakers’, South China Morning Post, 8 May 2019, at <https://www.hongkongfp.com/2019/05/08/hong-kongs-justice-chief-dismisses-alternatives-extradition-law-proposed-scholars-lawmakers/>.
- ‘Bill revising extradition laws better than other options: govt’, EJ Insight, 8 May 2019, at <http://www.ejinsight.com/20190508-bill-revising-extradition-laws-better-than-other-options-govt/>.
- ‘Extradition row: Don’t try to “kill two birds with one stone”’, EJ Insight, 9 May 2019, at <http://www.ejinsight.com/20190509-extradition-row-don-t-try-to-kill-two-birds-with-one-stone/>.

- ‘What next for Hong Kong’s problematic extradition bill?’, South China Morning Post, 10 May 2019, at <https://www.scmp.com/news/hong-kong/politics/article/3009439/where-next-hong-kongs-problematic-extradition-bill>.
- ‘Mainland Chinese officials come out in support of Hong Kong’s controversial extradition law’, South China Morning Post, 11 May 2019, at <https://sg.news.yahoo.com/mainland-chinese-officials-come-support-105503032.html>.
- ‘Debate over Hong Kong’s proposed extradition law devolves into a scuffle in the legislative council’, Washington Post, 11 May 2019, at <https://www.washingtonpost.com/politics/2019/05/11/debate-over-hong-kongs-proposed-extradition-law-devolves-into-scuffle-legislative-council/?noredirect=on>.
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- ‘Hong Kong extradition bill: how murder of a pregnant woman, the US-China trade war and a determined leader have cranked up the heat in city’s political arena’, , South China Morning Post, 16 May 2019, at <https://www.scmp.com/news/hong-kong/politics/article/3010570/hong-kong-extradition-bill-how-murder-pregnant-woman-us>.
- ‘“Defeat the evil law”: How an unlikely coalition could spell trouble Hong Kong’s extradition law plan’, Hong Kong Free Press, 20 May 2019, at <https://www.hongkongfp.com/2019/05/20/defeat-evil-law-unlikely-coalition-spell-trouble-hong-kongs-extradition-law-plan/>.
- ‘Hong Kong extradition law: Beijing-friendly legal heavyweight Albert Chen breaks silence to call for extra safeguards on contentious proposal’, South China Morning Post, 23 May 2019, at <https://sg.news.yahoo.com/hong-kong-extradition-law-beijing-151606723.html>.
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APPENDIX 1

SELECTED PUBLICATIONS BY CCPL FELLOWS

Dr. Shahla Ali

- Ali, Shahla F., Nudging Civil Justice: Examining Voluntary and Mandatory Court Mediation User Experience in Twelve Regions (February 18, 2018). *Cardozo Journal of Conflict Resolution*, Vol. 19, Issue 2, pp. 269-288, 2018. Available at SSRN: <https://ssrn.com/abstract=3216266>

Ms. Cora Chan

- Lim, Ernest and Chan, Cora, Problems with Wednesbury Unreasonableness in Contract Law: Lessons from Public Law (January 10, 2018). *135 Law Quarterly Review*, 2019, Forthcoming; University of Hong Kong Faculty of Law Research Paper No. 2018/010. Available at SSRN: <https://ssrn.com/abstract=3103348> or <http://dx.doi.org/10.2139/ssrn.3103348>

Professor Albert Chen

- Albert Chen, 'A Commentary on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Bill")' (HKU Legal Scholarship Blog, 3 May 2019), <http://researchblog.law.hku.hk/2019/05/albert-chens-commentary-on-proposed.html>.
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Professor Hualing Fu

- Chen, Weitseng and Hualing, Fu, Authoritarian Legality, The Rule of Law, and Democracy (August 2, 2019). Weitseng Chen & Hualing Fu (eds), *Authoritarian Legality in Asia: Formation, Development and Transition* (Cambridge University Press, 2020), Forthcoming. Available at SSRN: <https://ssrn.com/abstract=3431198>
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Ms Kelley Loper

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Transgender People and Antidiscrimination Legislation), Briefing Paper (2019), Centre for Comparative and Public Law, Faculty of Law, the University of Hong Kong. Available at SSRN: <https://ssrn.com/abstract=3387204>.

- Loper, Kelley, Human Rights and Substantive Equality: Prospects for Same-Sex Relationship Recognition in Hong Kong (May 4, 2019). Kelley Loper, Human Rights and Substantive Equality: Prospects for Same-Sex Relationship Recognition in Hong Kong, 44 N.C. J. OF INT'L L. 273 (2019). Available at SSRN: <https://ssrn.com/abstract=3382626>.
- Lau, Holning and Lau, Charles and Loper, Kelley and Suen, Yiu-tung, Support in Hong Kong for Same-Sex Couples' Rights Grew Over Four Years (2013-2017), Over Half of People in Hong Kong Now Support Same-Sex Marriage (July 2, 2018). UNC Legal Studies Research Paper; Briefing Paper (2018), the University of Hong Kong-Centre for Comparative and Public Law; University of Hong Kong Faculty of Law Legal Studies Research Paper Series, No. 2018/037. Available at SSRN: <https://ssrn.com/abstract=3207048>.

Dr Alex Schwartz

- Schwartz, Alex, International Judges on Constitutional Courts: Cautionary Evidence from Post-Conflict Bosnia (December 6, 2017). Schwartz, A. (2019). International Judges on Constitutional Courts: Cautionary Evidence from Post-Conflict Bosnia. Law & Social Inquiry, 44(1), 1-30. doi:10.1111/lsi.12335; University of Hong Kong Faculty of Law Research Paper No. 2018/001. Available at SSRN: <https://ssrn.com/abstract=3083553>
- Pfander, James E. and Reinert, Alexander A. and Schwartz, Joanna C., The Myth of Personal Liability: Who Pays When Bivens Claims Succeed (February 27, 2019). Stanford Law Review, Forthcoming; Northwestern Public Law Research Paper No. 19-05; UCLA School of Law, Public Law Research Paper No. 19-11. Available at SSRN: <https://ssrn.com/abstract=3343800> or <http://dx.doi.org/10.2139/ssrn.3343800>

Dr Marco Wan

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Professor Po Jen Yap

- Yap, Po Jen and Lee, Kenneth, Human Trafficking and Judicial 'Divination' in Hong Kong (2018). 48 Hong Kong Law Journal 807-818. Available at SSRN: <https://ssrn.com/abstract=3444696>
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- Yap, Po Jen, Spouses without Benefits: 'Ring-Fencing' Marriage after W and QT Have Unbolted Its Gates? (2018). Hong Kong Law Journal, Vol. 48, p. 365, 2018 (Forthcoming). Available at SSRN: <https://ssrn.com/abstract=3253450>

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- Yap, Po Jen and Jiang, Zixin, Co-Location is Constitutional (2018). Hong Kong Law Journal, Vol. 48, pp. 37-50, 2018. Available at SSRN: <https://ssrn.com/abstract=3203433>

Professor Simon Young

- Young, Simon N. M., Policing and Prosecution of Money Laundering (May 1, 2018). Book chapter in Valsamis Mitsilegas, Saskia Hufnagel & Anton Moiseienko (eds), Research Handbook on Transnational Crime (Edward Elgar, 2018 Forthcoming); University of Hong Kong Faculty of Law Research Paper No. 2018/019. Available at SSRN: <https://ssrn.com/abstract=3171892>

CCPL PUBLICATIONS

Submission to the Legislative Council’s Subcommittee on Rights of Ethnic Minorities: 9 July 2018

Puja Kapai made a submission to the Legislative Council’s Subcommittee on Rights of Ethnic Minorities on “The Work of the Ethnic Minorities Steering Committee and Support Measures for Ethnic Minorities”. The submission is available here: [http://www.law.hku.hk/ccpl/wp-content/uploads/2018/07/Subcommittee%20on%20Rights%20of%20Ethnic%20Minorities%20C2%A0Kapai%20090718\[1\].pdf](http://www.law.hku.hk/ccpl/wp-content/uploads/2018/07/Subcommittee%20on%20Rights%20of%20Ethnic%20Minorities%20C2%A0Kapai%20090718[1].pdf).

Submission to the Legislative Council’s Panel on Constitutional Affairs: 16 July 2018

Puja Kapai submitted to the Legislative Council’s Panel on Constitutional Affairs with regards to the third report of the Hong Kong Special Administrative Region under the International Convention on the Elimination of All Forms of Racial Discrimination. Available at: [http://www.law.hku.hk/ccpl/wp-content/uploads/2018/07/CMAB%20CERD%20submission%20Kapai%20160718%20updated\[1\].pdf](http://www.law.hku.hk/ccpl/wp-content/uploads/2018/07/CMAB%20CERD%20submission%20Kapai%20160718%20updated[1].pdf).

Research Report on Support in Hong Kong for Same-sex Couples’ Rights: July 2018

A research report issued by CCPL shows that Hong Kong public opinion on same-sex couples’ rights has changed significantly in recent years. For example, now over half of Hong Kong people support same-sex marriage. Available at: [http://www.law.hku.hk/ccpl/wp-content/uploads/2018/07/Change%20Over%20Time%20Paper%20English%20\(3%20July%20Final%20for%20Distribution\).pdf](http://www.law.hku.hk/ccpl/wp-content/uploads/2018/07/Change%20Over%20Time%20Paper%20English%20(3%20July%20Final%20for%20Distribution).pdf).

Submission to the United Nations Committee on the Elimination of all Forms of Racial Discrimination: July 2018

CCPL submitted a report to the United Nations Committee on the Elimination of all Forms of Racial Discrimination in July 2018. This submission is based on research conducted by students enrolled in Equality and Non-discrimination, an elective course in the Faculty of Law at the University of Hong Kong in the spring semester of 2018, The report is available here: [http://www.law.hku.hk/ccpl/wp-content/uploads/2018/07/CCPL_ICERD%20Submission_16%20July%202018%20\(1\).pdf](http://www.law.hku.hk/ccpl/wp-content/uploads/2018/07/CCPL_ICERD%20Submission_16%20July%202018%20(1).pdf)

Dreams of Pakistani Children: In-depth conversations with 22 girls and 3 boys: April 2019

WSRC Convenor Puja Kapai launched her research report on Dreams of Pakistani Children: In-depth conversations with 22 girls and 3 boys, commissioned by the Zubin Foundation and funded by Plan International Hong Kong. The report was presented to the Secretary for Labour and Welfare and served as the basis for discussion with relevant stakeholders at the initial launch.

As the research findings show, practices, expectations and experiences of a sample of Pakistani girls in Hong Kong is indicative of challenges to their equal right to education, their developmental rights under the Convention on the Rights of the Child and the realization of their full potential towards a life they aspire to lead. The findings confirm that early engagement is seen as prevalent among Pakistani girls in Hong Kong. This sets them on course towards a trajectory where they are expected to abandon their dreams to study or work in later years of their life and work towards the fulfilment of their family's expectations for their marriage and building a suitable home life.

The research findings provide detailed insights into the different contexts and factors which constrain the dreams and aspirations of Pakistani girls in Hong Kong at different stages of their lives. In particular, it highlights key areas for support and the provision of opportunities and incentives for all related Hong Kong stakeholders to address the gendered impact of the operative norms and structures on Pakistani girls, with the hope of identifying a multi-disciplinary approach to enhancing the prospects for equality of access to education and other forms of empowerment of Pakistani girls.

The report is available here: [https://www.law.hku.hk/ccpl/wp-content/uploads/2019/07/190410_FINAL%20DREAMS%20OF%20PAKISTANI%20CHILDREN%20\(1\).pdf](https://www.law.hku.hk/ccpl/wp-content/uploads/2019/07/190410_FINAL%20DREAMS%20OF%20PAKISTANI%20CHILDREN%20(1).pdf).

Separate but equal? Same-sex couples' unequal access to public housing in Hong Kong and its fiscal implications: May 2019

CCPL research found that due to the discriminatory nature of public housing policy, LGB individuals are subjected to an economic penalty of HKD233,539. Findings of the study also suggest that the impugned policy is counter-productive to distributing public housing fairly and efficiently. The paper is available here: http://www.law.hku.hk/ccpl/wp-content/uploads/2019/05/CCPL_Same%20Sex%20Housing_FINAL.pdf

APPENDIX 2 (CCPL FELLOWS AND OTHER AFFILIATED FACULTY)

Shahla Ali
Assistant Professor, Faculty of Law, HKU

Cora Chan
Associate Professor, Faculty of Law, HKU

Johannes Chan
Professor, Faculty of Law, HKU

Peter Chau
Assistant Professor, Faculty of Law, HKU

Albert Chen
Cheng Chan Lan Yue Professor in Constitutional
Law, Faculty of Law, HKU

Anne Cheung
Professor, Faculty of Law, HKU

Richard Cullen
Visiting Professor, Faculty of Law, HKU

James Fry
Associate Professor, Faculty of Law, HKU

Rick Gtofcheski
Adjunct Professor, Faculty of Law, HKU

Alexander Green
Assistant Professor, Faculty of Law, HKU

Fu Hualing
Warren Chan Professor in Human Rights and
Responsibilities, Faculty of Law, HKU

Puja Kapai
Associate Professor, Faculty of Law, HKU

Karen Kong
Senior Lecturer, Faculty of Law, HKU

David Law
Professor, Faculty of Law, HKU

Marcello Thompson
Assistant Professor, Faculty of Law, HKU

Marco Wan
Associate Professor, Faculty of Law
Honorary Associate Professor of English, HKU

Amanda Whitfort
Associate Professor, Faculty of Law, HKU

Yap Po Jen
Professor, Faculty of Law, HKU

Simon Young
Professor, Associate Dean (Research),
Faculty of Law, HKU

APPENDIX 3 Projects housed within CCPL (as of 30 June 2019)

Title of Project / Investigators
A comparative Evaluation of Hong Kong's Legislative Powers to Regulate Trade in Endangered Wild Animals Principal Investigator: Amanda Whitfort
Proposal to Establish a Virtual Teaching and Learning Centre for Diversity and Inclusion to Share Best Practices on Pedagogy, Curriculum Development and Classroom and School-Based Management Strategies for Diverse Learning Environments Principal Investigator: Puja Kapai
Proportionality in Criminal Punishment Principal Investigator: Peter Chau
Plugging the Justice Gap for Minorities under the Law: Applied Intersectionality Research and Substantive Equality Principal Investigator: Puja Kapai
Courts and Democracies in Asia Principal Investigator: Yap Po Jen
Gender Initiatives for WSR Works Principal Investigator: Puja Kapai
Constitutionalism in Context Principal Investigator: David Law
Impact Study Submission in the Mock RAE exercise Principal Investigator: Puja Kapai
Child Impact Assessment in Hong Kong: Opportunities and Entry Points Principal Investigator: Puja Kapai
Conference on Chinese as a Second Language Principal Investigator: Puja Kapai
CCPL Public Opinion Survey 2016: Hong Kong's Journey Towards Democratisation and 2047. Principal Investigator: Puja Kapai

Title of Project / Investigators
A Comparative Study of Civil Sanctions Against Money Laundering Principal Investigator: Simon Young
Constitutional Development in Hong Kong and Rule of Law Education and Rule of Law Education Principal Investigator: Benny Tai
International human rights law and refugee protection in Asian states not party to the 1951 Convention Relating to the Status of Refugees Principal Investigator: Kelley Loper
The United Nations Convention on the Rights of Persons with Disabilities: Implementation in the Chinese Context Principal Investigator: Kelley Loper
Street Law - Human Rights Community Education Principal Investigator: Lindsay Ernst
Asia-Pacific Journal on Human Rights and the Law Editors: Simon Young and Kelley Loper
Doing Equality Consciously: Understanding Unconscious Bias and its Role and Implications in the Achievement of Equality in Hong Kong and Asia Principal Investigator: Puja Kapai
Establishment of Migrant Worker Education Platform Principal Investigator: Lindsay Ernst
Disability Rights Resource Network (DRRN) Website Principal Investigator: Kelley Loper
Evaluation of the Impact of Research on the Rights of LGBTIQ + (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer) People in Hong Kong Principal Investigator: Kelley Loper
Human Rights Hub Website Principal Investigator: Kelley Loper
Human Rights Investigation in the Internet Age: An International and Interdisciplinary Experiential Learning Opportunity Principal Investigator: Lindsay Ernst

Title of Project / Investigators
2018 Torture Rehabilitation Symposium Principal Investigator: Lindsay Ernst
Clinical Legal Education: Community Legal Empowerment Principal Investigator: Lindsay Ernst
Disability Rights Clinic: Achieving the Goals of the CRPD through Shared Learning Experiences and Knowledge Exchange Principal Investigator: Lindsay Ernst
Constitutional governance in “Greater China” and the Unfinished Project of Chinese Constitutionalism Principal Investigator: Prof Albert Chen
Development of an Asian Economic, Social and Cultural Rights Network Using Online Social Media Principal Investigator: Karen Kong

