

# CCPL

CENTRE FOR COMPARATIVE  
AND PUBLIC LAW

比較法與公法研究中心

AT THE FACULTY OF LAW . THE UNIVERSITY OF HONG KONG

ANNUAL REPORT TO THE BOARD OF MANAGEMENT

July 2017 - June 2018

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ANNUAL REPORT  
THE CENTRE FOR COMPARATIVE AND PUBLIC LAW  
JULY 2017- JUNE 2018

<b>Members of the CCPL Board of Management 2017-2018</b>
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**Cora Chan**

Associate Professor  
Faculty of Law  
The University of Hong Kong

**Albert Chen**

Cheng Chan Lan Yue Professor in Constitutional  
Law  
Faculty of Law  
The University of Hong Kong

**Hualing Fu**

Professor  
Faculty of Law  
The University of Hong Kong

**Karen Joe Laidler**

Professor  
Faculty of Social Sciences  
The University of Hong Kong

**David Law**

Professor  
Sir YK Pao Chair in Public Law  
Faculty of Law  
The University of Hong Kong

**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

## International Advisors

### Andrew Byrnes

Professor of International Law  
Faculty of Law  
University of New South Wales

### Mark Kende

James Madison Chair  
Director of the Constitutional Law Center  
School of Law, Drake University

### Robyn Emerton

Former Assistant Professor,  
University of Hong Kong

### Holning Lau

Professor of Law  
University of North Carolina

### Yash Ghai

Emeritus Professor  
University of Hong Kong

### Carole J. Petersen

Professor and Director, Spark M. Matsunaga  
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 is on the Editorial Committee of Hong Kong Law Journal and the Editorial Board of the Australian Journal of Human Rights. 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 United Nations High Commissioner for Refugees, 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, and 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 works with 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** acts as Assistant Research Officer for Human Rights at the Centre for Comparative and Public Law and the Master of Laws in Human Rights Programme. Prior to joining the University of Hong Kong, 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).



**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 from time to time. Her duties include event management and support for CCPL's conferences and seminars, administration related to grant management, and logistical support pertaining to the reception of Centre-related visitors, among others.

### CCPL's Goals and Areas of Focus

The Centre for Comparative and Public Law (CCPL) was established in 1995 as a virtual centre within the Faculty of Law at the University of Hong Kong (HKU). Its goals are: (1) to advance knowledge on public law and human rights issues primarily from the perspective of international and comparative law and practice; (2) to 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) to 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 engage with global, regional and local academics, practitioners, government officials, and non-governmental organisations in the public law field.

The Centre's activities fall within four broad themes: Comparative Public Policy, Comparative Human Rights, Constitutional Societies, and International Law in the Domestic Order. To build on its core research strengths and streamline its efforts, in 2018 CCPL further identified five areas of focus which encompass the range of projects undertaken by the Centre's Fellows and affiliated researchers. These include: (1) Judicial Studies; (2) Migration; (3) Equality and Non-discrimination; (4) Public Law and Governance; and (5) Empirical Legal Research. The Centre supports research, knowledge exchange, and student learning activities in these areas across the Faculty, the University, the community of legal professionals, scholars and civil society organisations in Hong Kong and beyond.

This report includes Centre activities between 1 July 2017 and 30 June 2018. Projects and events during this period considered a variety of topical issues including, for example: Brexit and its implications for human rights; recent court decisions on the rights of sexual/gender minorities; Hong Kong's constitutional development (including Article 23 national security legislation, political reform, the rule of law, judicial review, and interpretations of the Basic Law by the Standing Committee of the National People's Congress); cross-border relations and their global implications; the domestic application of Hong Kong's international treaty obligations; local, regional and global perspectives on the principles of constitutional and administrative law, including the role of the judiciary, mechanisms for political reform, and the development of constitutional societies; understanding autonomous and semi-autonomous regimes, citizenship diversity, and migration; and the protection of marginalised population groups such as victims of human trafficking, sexual or domestic or political violence, refugees, torture claimants, people with disabilities, women, ethnic, racial and religious minorities, children, and populations living in poverty.

### Research and Events

The Centre has supported rigorous, high quality research that has produced output published in books and leading academic journals. CCPL has nurtured a strong public law research community and provided logistical support for scholars in the Faculty of Law by housing research grants, hosting Fellows and Visiting Fellows, and organising conferences and thematic lecture series. CCPL scholars continue to attract significant local and international research funding for projects housed in, and administered by, the Centre.

During the reporting period, CCPL housed **18 research projects** funded by internal and external competitive grants, including the Hong Kong Research Grants Council's General Research Fund, HKU's

Global Partnership Seed Fund, the HKU Knowledge Exchange Office, the National Democratic Institute for International Affairs, the Association of Commonwealth Universities and Plan International Hong Kong. CCPL was also commissioned to conduct contract research and develop training materials and workshops. The total funding managed this year was **HK\$4,690,199**. Appendix 3 of this Report provides more detail about these projects.

CCPL organised **more than 40 conferences, training workshops, public lectures, seminars, panel discussions, and other events**. A highlight of these activities was the ICON-S Conference, “Identity, Security, Democracy: Challenges for Public Law”, co-hosted by CCPL in June 2018 and one of the largest global public law conferences in the world. The event attracted more than 700 scholars who participated in three plenary sessions and more than 170 parallel panels. The Honourable Chief Justice Geoffrey Ma, the Right Honourable Lord Neuberger of Abbotsbury and Judge Navi Pillay, the Former United Nations High Commissioner for Human Rights, were among the plenary speakers. It was the first time that the ICON-S conference was hosted in Asia. The Conference also marked the start of celebrations of the 50<sup>th</sup> Anniversary of the Faculty of Law at HKU. More than 60 student ambassadors assisted during the event. All the plenary sessions are now publicly available for viewing on the CCPL *YouTube* channel.

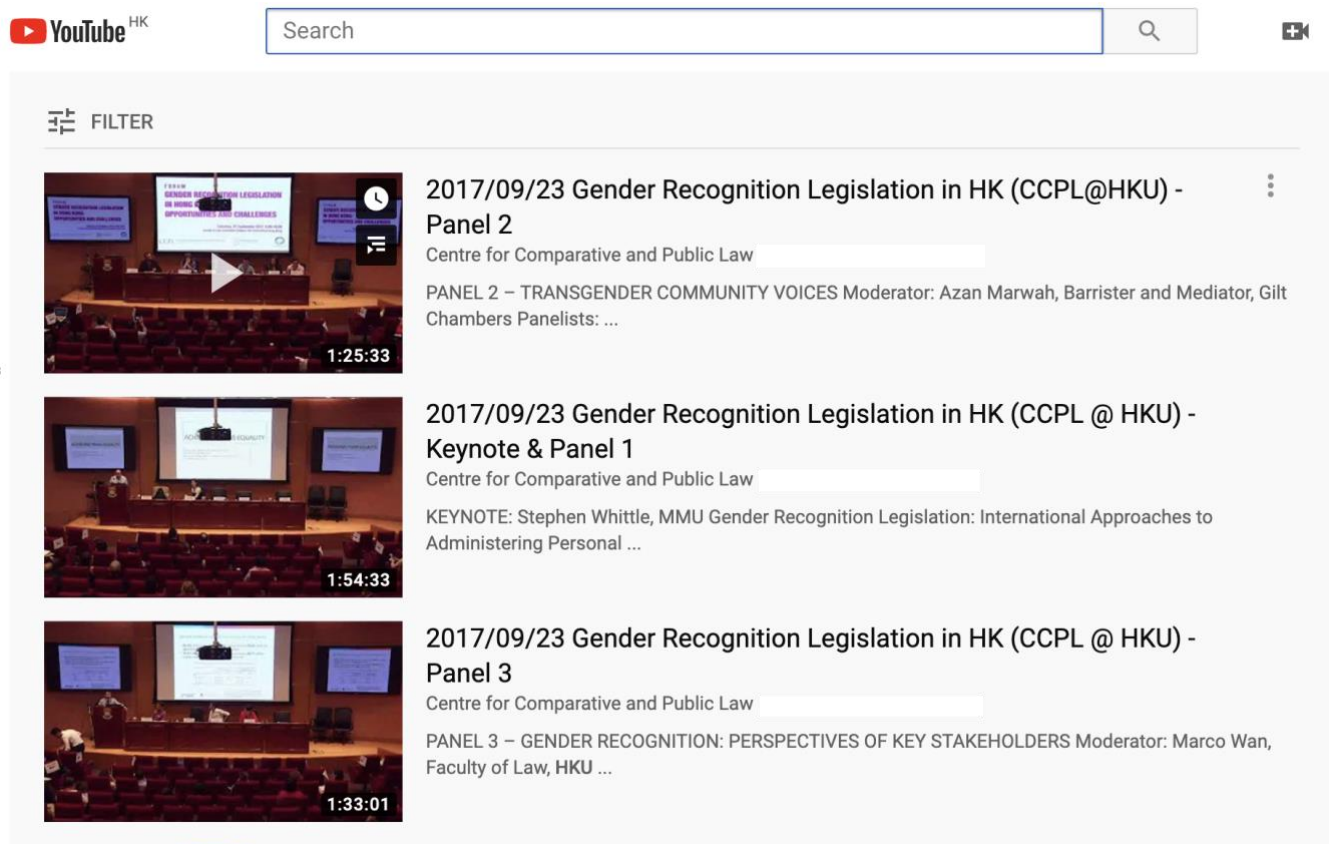
Other academic events organised by CCPL covered a wide range of subjects including animal rights and welfare, refugees and asylum seekers, the death penalty, women in prison, human trafficking, public interest lawyering, violence against women, judicial review, minority rights, gender identity and human rights, inclusive education, the rule of law in China, Taiwan and Hong Kong, international arbitration in Japan, political reform, national security legislation, constitutional and administrative law in comparative contexts including Asian jurisdictions, and remedial justice in post-war Uganda, among others. These events featured leading international experts and eminent jurists and several involved collaborative projects with external partners. CCPL also organised 2 seminars on checks and balances, democratic values, and the rule of law in 2017 to disseminate the research findings of its Rule of Law and Legal Culture Project.

The Judicial Studies area of focus continues the work of the Judicial Studies Programme (JSP) (launched in 2015). Planned JSP activities include: 1) transnational judicial round-tables; 2) public lectures by eminent jurists; and 3) taught “masterclasses” for students. The JSP aims to 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

Through its rich diversity of activities, CCPL has built a strong network of scholars, students, legal practitioners, government officials, members of the judiciary, civil society groups, and international organisations. Research supported by the Centre has generated discussions across these groups and led to significant impact beyond the academic arena. CCPL has disseminated knowledge in many forms including public lectures, submissions to policy-making bodies, case and treaty databases, interactive websites, and infographics. CCPL has increasingly used technology to reach a broader audience through social media platforms such as *Facebook*, *Twitter*, *Instagram*, *LinkedIn* and *YouTube*; the Disability Rights Resource Network website; and the newly created Human Rights Hub. The Centre uploads videos of most of its conferences and seminars to its *YouTube* Channel and provides PowerPoint slides, papers, and other materials related to its events on the CCPL website. At the end of the reporting period, CCPL's *YouTube* Channel contained 158 videos and its Facebook page had 859 "Likes". These resources have increased access to information, facilitated knowledge exchange, and empowered civil society organisations.



Work produced by CCPL researchers on the implementation of human rights treaty obligations in domestic law in Hong Kong has informed NGO submissions to various United Nations (UN) treaty bodies and other UN mechanisms. For example, in May 2018, CCPL, along with Hong Kong Human Rights Monitor and Hong Kong Unison, coordinated a Joint Submission of 53 NGOs in Hong Kong to the UN Human Rights Council as part of the Council's third cycle of its Universal Periodic Review (UPR). CCPL also made submissions to the Committee on the Elimination of Racial Discrimination, the expert body that monitors states' implementation of their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Centre researchers have also regularly made submissions to Hong Kong Legislative Council panels on the rights of ethnic



minorities and refugees, children's rights, violence against women, sexual orientation discrimination, the rights of transgender persons, and other issues of concern.

Other CCPL knowledge exchange projects during the reporting period include, for example:

- Executive courses on Transnational Civil Litigation in October 2017 and Juvenile Justice in February 2018;
- A roundtable on the future development of constitutional law in Hong Kong and the appointment of non-permanent judges to the Court of Final Appeal;
- A forum on Gender Recognition Legislation in Hong Kong: Opportunities and Challenges which contributed to the Inter-departmental Working Group on Gender Recognition's public consultation exercise;
- A seminar on third-party interventions in court cases on same-sex partnership rights, jointly organized with Amnesty International;
- Reporting of CCPL research results on public attitudes toward same-sex couples' rights in local and international news outlets.

(Further details on these activities are provided in later sections of this Report).

### Teaching and Learning

CCPL also supports student learning through mentorship; opportunities to develop research, writing and organisational skills; and work experience that expands legal education beyond the classroom. The Centre's research and knowledge exchange activities have also contributed to curriculum development. Students in experiential learning courses, such as Human Rights in Practice, have produced training manuals and conducted workshops for rights-advocates in related areas. Research conducted by students enrolled in the Equality and Non-discrimination course in the Faculty contributed to CCPL's submission to the ICERD Committee in 2018. CCPL regularly offers professional training and capacity-building workshops to promote interdisciplinary collaboration and empower students and others to address contemporary challenges.

### Fellows

Fellows are full-time academics in the Faculty of Law and other related Departments and Faculties at HKU, with demonstrated expertise in the fields of comparative and/or public law and whose work is aligned with the Centre's broader goals and areas of focus. Fellows actively participate in CCPL activities and frequently pursue their research from the beginning stages of idea generation to completion and dissemination within the Centre's supportive framework. Researchers benefit from the Centre's administrative assistance and access to a strong community of public law scholars and students.

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

## Visiting Fellows

Visiting Fellows are external scholars temporarily based at CCPL and conduct research, present their findings at events and/or participate in other significant ways, typically for a period of one to six months. They are self-funded although the Centre provides a desk (subject to availability), library access, and access to CCPL's and the Law Faculty's facilities and networks. Visiting Fellows in 2017-2018 included:

**Dr. Lo Pui-yin** has been a barrister in private practice for 24 years in Hong Kong. He was called to the Bar of England and Wales at the Inner Temple in July 1992. He was admitted as a barrister of the Supreme Court of Hong Kong in September 1992. He was awarded a Bachelor of Laws degree by the University of London (Second Class Upper Division), from the London School of Economics and Political Science in 1991. He was awarded the research degree of Doctor of Philosophy by the University of Hong Kong in 2012, based on a Thesis entitled: *The Judicial Construction of the Basic Law: The Independent Judicial Power of the Courts of the Hong Kong Special Administrative Region*. The Thesis won the Li Ka Shing Prize (2010-11). He visited CCPL from October 2017 until September 2018.

**Dr. Saskia Maria Hufnagel** is a Senior Lecturer in Criminal Law and Co-Director of the Criminal Justice Centre (CJC) at Queen Mary University of London. She previously worked as a Research Fellow at the Australian Research Council Centre of Excellence in Policing and Security, Griffith University, Australia, and was a Leverhulme Fellow at the University of Leeds. During the completion of her PhD she taught at the ANU College of Law and between 2009 and 2011 she held a permanent teaching position at the University of Canberra. She visited CCPL from January to March 2017. During her stay, she conducted a workshop and worked closely with Professor Simon Young, former CCPL Director, to develop a research grant proposal on transnational criminal law.

**Dr. Charanjit Singh** is a Senior Lecturer in Law and Research Academic at the University of Westminster. He is also a senior academic barrister with research in the fields of corporate and financial law, company law, evidence, International ADR, financial crime and International crime and criminal justice. He visited from June to July 2017. During his stay he presented "The Panoply of Challenges Facing Modern Identification Evidence and the Evidentiary Reliability of Coincidental Forensics".

## CCPL Research Team (Young Researchers, Senior Research Assistants, and Research Assistants)

Lorraine Wu	Lo Yin Yuen	Chan Ka Ming
Florence Sit	Chung Ho Chai	Lai Yan Ho, Eric
Zixin Jiang	Shelley Leung	Law Yee Wing, Emily
Chan Wai To, Eric	Yenni Kwok	Yeung Ching Yin, Johnson
Ko Yik Fei	Chiu Tsz Ching Urania	Crystal Yeung
Liu Tsz Yu	Li Nga Ling, Leona	Isabella Seif
Chik Ho Ning	Yip Oi Ying, Mavis	Wong Ho Long Jaime
Lee Ho Lun, Kenneth	Lo Ka Wing, Sally	Kan Chi Cheung
Lam Wing Tat, Andy	Chan Hoi Kiu, Nicole	Cheung Yan Ho, Titus
Luk Fan, Angela	Chan Sze Hoi, Sunny	Lau Ting Yin

For more information on the research projects which they assisted with, see **Appendix 3**.

## Conferences, Lectures, Seminars and other Events

Most CCPL events are open to the general public and free of charge, although participants who wish to obtain continuing professional development credit pay a small administrative fee. Speakers and members of the audience at CCPL events come from the international legal community, HKU, other local and overseas universities, legal practitioners, civil society organisations, government and policy think tanks, advocates and other interested members of the community. The Centre also attracts a wide range of students from across the university.

### International Conferences

During the reporting period, CCPL held four international conferences:

#### **International Society of Public Law's annual conference "Identity, Security, Democracy: Challenges for Public Law", 25-27 June 2018**

CCPL co-hosted the fifth Annual Conference of the International Society of Public Law (ICON-S): "Identity, Security, Democracy: Challenges for Public Law". More than 700 participants from around the world attended and took part in more than 170 panels. The conference also marked the beginning of the celebration of the Faculty of Law's 50th anniversary. The Keynote address and Plenary sessions included:

<b>Welcome and Opening Remarks:</b> <i>Michael Hor</i> , Dean, Faculty of Law, HKU; <i>Gráinne de Búrca</i> , New York University; <i>Ran Hirschl</i> , University of Toronto, Co-Presidents, ICON-S
<b>Opening Address,</b> <i>The Honourable Chief Justice Geoffrey Ma</i> , Chief Justice of the Hong Kong Court of Final Appeal
<b>Keynote Address</b> "Balancing National Security and Public Order with Human Rights: A Judicial Perspective", <i>The Right Honourable the Lord Neuberger of Abbotsbury</i> , Former President of the Supreme Court of the United Kingdom, Non-Permanent Justice of the Hong Kong Court of Final Appeal
<b>Plenary Panel I: Diversity, Identity and Human Rights</b>  "Respect for Diversity", <i>Navi Pillay</i> , Commissioner for the International Commission against the Death Penalty, former United Nations High Commissioner for Human Rights "Diversity, Identity and Human Rights: Experiences in Asia and Africa", <i>Yash Ghai</i> , Director of Katiba Institute, Kenya, Emeritus Professor of Law, HKU "Multicultural Human Rights Conflicts: We Need to Talk about Process", <i>Eva Brems</i> , University of Ghent  Chair: <i>Johannes Chan</i> , HKU
<b>ICON-S Workshop: How to Supervise a PhD Thesis</b> , <i>Joseph H.H. Weiler</i> , New York University

## Plenary Panel II: Courts and Democratization

“The Role of the Constitutional Court in Korea’s Democratization”

*Ilwon Kang*, Justice of the Constitutional Court of Korea

“Why Populists Hate Judicial Independence”

*Kim Lane Scheppelle*, Princeton University

“After Democratization: The Taiwan Constitutional Court at the Crossroads of Judicial Activism”

*Lin Tzu-Yi*, Director & Distinguished Research Professor, Institutum Iurisprudentiae, Academia Sinica, Taipei

Chair: *Richard Albert*, The University of Texas Law School

## Plenary Panel III: Technology and Public Law

“Public Law and Technology”

*Christopher Yoo*, University of Pennsylvania

“Legal Automation, Rule by Law and the Rule of Law”

*Frank Pasquale*, University of Maryland

“Big Data-driven Government: Towards a New Public Analytics in Public Administration?”

*Karen Yeung*, University of Birmingham

Chair: *Cora Chan*, HKU



**Global Animal Law Conference**  
4-5 May 2018

This Conference brought together experienced legal thinkers in the area of animal law in order to learn about how the different legal systems of the world are dealing with animal issues. It was hoped that the exchange of ideas and information will support future legal developments which will enhance the status of animals around the world. Speakers from 17 countries, representing over 20 universities, were present. Many of the speakers have authored significant books and articles in the area of animal law.

The Conference was jointly organized by HKU, Michigan State University College of Law Animal Law Program, Lewis and Clark School of Law Center for Animal Law Studies, Universitat Autònoma de Barcelona Masters in Animal Law, and the Harvard Law School Animal Law & Policy Program.

<b>Welcome, Introductions:</b> <i>Amanda Whitfort</i> , HKU
<b>Panel #1 Animal Issues in China</b> Moderator: <i>Fiona Woodhouse</i> , SPCA (HK) Deputy Director (Welfare) “Drivers for Animal Protection Legislation in China”, <i>Paul Littlefair</i> , RSPCA International  “Animal Protection Law Making in China: The Political and Institutional Obstacles”, <i>Peter Li</i> , The University of Houston-Downtown, USA  “The 2010 HKU/SPCA Review of Hong Kong’s Animal Welfare Legislation: Where are We Now and Where Do We Need to Be?”, <i>Amanda Whitfort</i> , HKU
<b>Panel #2 Europe</b> Moderator: <i>Gieri Bolliger</i> , Attorney at Law, CEO Tier im Recht, Switzerland  “Is it useful to have Animal Protection in the Constitution?”, <i>Olivier Le Bot</i> , Aix-Marseille University, Paris “Polish Animal Welfare Law after 30 Years; Highlights, Achievements and Challenges”, <i>Tomasz Pietrzykowski</i> , University of Silesia in Katowice, Poland “Let Animals Arise! Why and How the Animals in the UN – and the GAL Animal Law Friendly Index for all the Nations”, <i>Antoine F. Goetschel</i> , Attorney at Law, Switzerland
<b>Panel #3 Asia Pacific</b> Moderator: <i>Ayoshi</i> , President of the China Association for the Promotion of International Agricultural Cooperation, International Cooperation Committee of Animal Welfare (China)  “Sentience, animals and the limits of symbolic legislative reform”, <i>M B Rodriguez Ferrere</i> , Faculty of Law, The University of Otago, New Zealand “Legislative Reforms in Animal Welfare: Indian Sub-continent”, <i>Nuggehalli Jayasimha</i> , Managing Director of Humane Society International, India “Japanese Concept of Animals and Law”, <i>Mariko Igimi</i> , Faculty of Law, Kyushu University, Japan
<b>Featured Speakers #1</b> “The Current State and Future Direction of China’s Animal Protection Legislation”, <i>Chang Jiwen</i> , Institute of Resource and Environmental Policy, Development Research Centre of the State Council, PRC
<b>Featured Speakers #2</b>

<p>“Halal Animals”, <i>Kristen Stilt</i>, Harvard Law School, United States</p>
<p><b>Panel #4 America’s</b>  Moderator: <i>Chris Green</i>, Executive Director, Animal Law &amp; Policy Program, Harvard Law School</p> <p>“How to Advocate for Animals beyond Filing Lawsuits”, <i>Pamela Frasch</i>, Lewis and Clark Law School, USA</p> <p>“Whales, Inside Canada”, <i>Katie Skyes</i>, Thompson Rivers University Faculty of Law, British Columbia</p> <p>“Defending Animals: Leading Cases ‘Orangutan Sandra and Chimpanzee Cecilia’”, <i>Pablo Buompadre</i>, President, Argentina Lawyers Association for the Rights of Animals</p> <p>“The Crime of Animal Abuse in Chile: history, present and challenges in light of the new criminal type”, <i>Carolina Leiva Ilabaca</i>, Legislative Coordinator, Parlamentarios por la Dignidad Animal, Chile</p> <p>Presentation by World Dog Alliance</p>
<p><b>#5 Europe B</b>  Moderator: <i>Steven Benton</i>, Veterinary Officer (Animal Management), Agriculture Fisheries and Conservation Department, Hong Kong</p> <p>“A Duty to Care: the Case for Animal Welfare Legislation”, <i>Mike Radford OBE</i>, University of Aberdeen, Scotland</p> <p>“Recent Developments in Spain’s Animal Law”, <i>Marita Giménez-Candela</i>, Universitat Autònoma de Barcelona, Spain</p> <p>“Finnish Animal Welfare Law Reform and Work by the Animal Rights Lawyers Association”, <i>Birgitta Wahlberg</i>, Åbo Akademi University, Finland</p>
<p><b>Panel #6 United States</b>  Moderator: <i>Chris Green</i>, Executive Director, Animal Law &amp; Policy Program, Harvard Law School</p> <p>“Increasing the Visibility of Animals in the US Legal System”, <i>David Favre</i>, Michigan State University, United States</p> <p>“Using Consumer Protection Law to Battle Factory Farming”, <i>Joyce Tischler</i>, Founder/General Counsel, Animal Legal Defense Fund, USA</p> <p>“The Struggle of the Nonhuman Rights Project to Attain Legal Rights for Nonhuman Animals”, <i>Steven M Wise, Esq.</i>, President of the Nonhuman Rights Project, USA</p>
<p><b>Panel #7 Africa</b>  Moderator: <i>Shen Jiahui</i>, PhD candidate, University of Washington</p> <p>“Introduction of Animal Law in Africa”, <i>Ever Vimbai Chinoda</i>, Executive Director for Speak Out For Animals, Zimbabwe</p> <p>“The Design and Development of Animal Law Curriculum for Use in South African Universities”, <i>Amy Wilson</i>, Attorney, South Africa</p> <p>“Wildlife Issues of Kenya”, <i>Jim Karani</i>, Attorney, Kenya</p>
<p><b>Featured Speakers #3</b>  “Brazilian Animal Law: A Constitutional Latin America Overview”, <i>Tagore Trajano</i>, Federal University of Bahia, Brazil</p>
<p><b>Featured Speakers #4</b>  “Australian Farm Animal Protection Standards: Reform on the Horizon?” <i>Steven White</i>, Griffith Law School, Queensland, Australia</p>
<p><b>Panel #8 – China 2nd Panel</b></p>



Moderator: *Elizabeth Quat*, Legislative Council, Hong Kong SAR

“Using Non-animal Protection Laws to Protect Animals”, *An Xiang*, Beijing Dexiang Law Firm

“Animal Protection against the Background of Opposition to a Culture of Violence: A Chinese Perspective”, *He Hairen*, Institute of Law of the Chinese Academy of Social Sciences, PRC

“Historical Retrospect of China’s Animal Protection Legal System”, *Gao Lihong*, Zhongnan University of Economics and Law, PRC

**Final Thoughts:** *Amanda Whitfort and David Favre*



<b>Overview of Constitutional Remedies in Asia, Po Jen Yap, HKU</b>
<b>Panel 1: Prospective Invalidation in Asia</b>  Prospective Invalidation in Indonesia, <i>Stephanus Hendrianto</i> , Boston College Prospective Invalidation in Bangladesh, <i>Jashim Ali Chowdhury</i> , University of Chittagong Commentary: <i>Simon Butt</i> , University of Sydney and <i>Mark Tushnet</i> , Harvard Law School
<b>Panel 2: Suspension Orders in Asia</b>  Suspension Order in Taiwan, <i>Ming-Sung Kuo</i> , University of Warwick Suspension Order in Hong Kong, <i>Swati Jhaveri</i> , National University of Singapore Suspension Order in Indonesia, <i>Fritz Siregar</i> , Jentera School of Law, Indonesia Suspension Order in South Korea, <i>Woo-Young Rhee</i> , Seoul National University Commentary: <i>Robert Leckey</i> , McGill University and <i>Mark Tushnet</i> , Harvard Law School
<b>Panel 3: Remedial Interpretation and Judicial Directives in Asia</b>  Conditional Constitutionality in Indonesia, <i>Simon Butt</i> , University of Sydney Structural Injunctions and Judicial Directives in India, <i>Chintan Chandrachud</i> , UK Commentary: <i>Kent Roach</i> , University of Toronto



**China's National Security: Endangering Hong Kong's Rule of Law?**  
4 December 2017

**Welcoming Remarks**

Michael Hor, Dean of Faculty of Law, HKU

**Session I: Hong Kong, the Rule of Law, and National Security**

Albert Chen, HKU

Hualing Fu, HKU

Carol Jones, Birmingham

Fergal Davis, UNSW & King's College London

Lin Feng, City University of Hong Kong

**Session II: Sources of Resilience in Hong Kong's Politico-legal Culture**

Swati Jhaveri, National University of Singapore

P.Y. Lo, Barrister-at-law

Margaret Ng, Barrister-at-law

Michael Davis, Jindal Global University

Paulo Cardinal, University of Macau

**Session III: Complying with Article 23 while Maintaining the Rule of Law**

Simon Young, HKU

Carole Petersen, University of Hawaii

Fiona de Londras, Birmingham

Cora Chan, HKU

Danny Gittings, HKU School of Professional and Continuing Education

**Session IV: Enhancing Resilience**

Lam Wai Man, Open University of Hong Kong

Puja Kapai, HKU

Johannes Chan, HKU

Yash Ghai, Katiba Institute, Kenya

Surabhi Chopra, The Chinese University of Hong Kong



### Executive Courses

The Centre ran two executive courses on juvenile justice and migrant domestic workers for the general public. Renowned academics and practitioners shared theoretical perspectives and practical experience.

#### **Juvenile Justice: Sexting, Young People and the Law**

26th February 2018

*Professor Thomas Crofts, Professor of Criminal Law at The University of Sydney*

The course comprised of one day of intensive interactive workshops focused on the recent phenomenon of sexting, addressing young people's perceptions and practices, what legal responses there have been to sexting and what legal and non-legal responses are appropriate. In doing so it examined some of the fundamental issues at the core of juvenile justice and the criminalisation of young people's behaviour, for example, the age of criminal responsibility, the presumption of *doli incapax* and the aims of the juvenile justice system.

#### **Transnational Civil Litigation in HK: Seeking Remedies for Migrant Domestic Workers**

26th October 2017

This workshop aimed to introduce the wide variety of private law issues that migrant domestic workers (MDW) encounter in Hong Kong and upon their return home. The program included introductions to substantive and procedural considerations, a hands-on case simulation, using facts from real-life cases, and a briefing on how to get involved in pro bono work with front-line organisations. The workshop equipped lawyers with the tools needed to develop this new Area of practice on an international level.

**Introduction and Opening Remarks**

Lindsay Ernst, Lecturer, The University of Hong Kong

Christine Cuthbert, Herbert Smith Freehills

**Introduction to Cross-Border Civil Litigation in the MDW Context**, Douglas Maclean, Justice Without Borders**Panel Discussion: Civil Compensation as a Tool for Addressing Problems Faced by MDWs**

Moderator: Michelle Yu, Justice Without Borders

*Part I – Overview: Migrant Domestic Workers and the Cross-Border Problems They Face*

Leo Tang, Hong Kong Confederations of Trade Unions

Holly Allan, HELP for Domestic Workers

*Part II – Substantive Legal Remedies Against the Employer*

Christine Cuthbert, Herbert Smith Freehills

*Part III – Labour Tribunal and Small Claims Tribunal*

Leo Tang, Hong Kong Confederation of Trade Unions

*Part IV - Procedural Considerations*

Fabian Roday, Fangda Partners

*Part V – Other Considerations Regarding Cross- Border Litigation*

Douglas Maclean, Justice Without Borders

*Part VI – Discussion: The Role of Law Firms/Lawyers in Pursuing MDW Claims*

Kareena Teh, Dechert LLP

Harry C. Edwards, Herbert Smith Freehills

**Interactive Session: A Case Study in International Litigation for Migrant Workers**

Facilitator: Fabian Roday, Fangda Partners

**Panel Discussion: Pro Bono Opportunities—Meet Representatives from Hong Kong’s Non-Governmental Organizations Handling Migrant Worker Claims**

Leo Tang, Hong Kong Confederation of Trade Unions

Holly Allan, HELP for Domestic Workers

Douglas Maclean, Justice Without Borders (JWB)



## Public Lectures, Seminars and Panel Discussions

Public lecture series, 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. Like CCPL conferences, these events are generally open to the public and free of charge.

### **THE HOCHELAGA LECTURES**

The Hochelaga Lectures commemorate the life and interests of the anonymous donor's father. Previous Hochelaga Lecturers have included former Chief Justice of the Canadian Supreme Court, Beverley McLachlin; Professor Gareth Jones QC; Professor Andrew Burrows QC; Professor Lawrence Lessig; Professor Martha Nussbaum; Professor K. Anthony Appiah; Professor Raul Pangalangan; Professor Madhavi Sunder; Professor Mindy Chen-Wishart; Professor Bruno Zeller; and the Hon. Mr. Justice Peter Roth of the English High Court.

### **Investment Treaty Arbitration Claims over Tobacco Packaging Regulation: Running out of Puff?**

17 July 2017

*Luke Nottage*, Professor of Comparative and Transnational Business Law  
University of Sydney Law School

This lecture examined four commonly-raised concerns about the investor-state dispute settlement (ISDS) procedure: delays, costs, transparency and "regulatory chill". It then compared the 2016 award on the merits finding against Philip Morris in a (much smaller) claim under the Uruguay-Switzerland treaty. That tribunal (including Australia's pre-eminent international lawyer) held that the (less invasive) tobacco advertising regulations did not result in a denial of justice or violation of fair and equitable treatment (by majority), nor indirect expropriation (recognising that bona fide public health measures are an essential manifestation of a state's "police powers" under customary international law). Finally, the lecture considered some of the implications of this (curiously little-reported) decision for regional treaty practice, including the ongoing (ASEAN+6) Regional Comprehensive Partnership negotiations as well as the exclusion of tobacco control measures from ISDS under the Trans-Pacific Partnership (signed on 4 February 2016) and the Singapore-Australia FTA (as amended on 13 October 2016).

### **PUBLIC LAW LECTURE SERIES**

#### **Contemporary Issues in Public Law**

16, 17 and 19 October 2017

*Richard Clayton QC*

As many human rights are universal in nature, it is often illuminating to draw upon the collective wisdom emerging from different constitutional approaches to the same issue. It is important that the Court, in applying comparative legal principles, must be astute to recognising the importance of different legal, political and cultural traditions, as well as, if appropriate, giving effect to the particular language used in a particular rights instrument. Against this background, Richard Clayton QC, an eminent UK barrister, discussed recent developments in the Hong Kong courts in the areas of freedom of expression, equality and non-discrimination, and the right to property, drawing upon his experience and insights



from comparative legal and constitutional jurisprudence. In the first lecture, he examined judicial review and freedom of expression, the impact of freedom of expression on practice and procedure, and the impact of freedom of expression on private law litigation. In the second lecture, he re-visited key concepts in discrimination and looked at developments in same sex marriage, disability discrimination, and discrimination in public housing. In the third lecture, he focused on the controversial issues of deprivation and restriction of use of land, the right to compensation for lawful deprivation of property, and the approach of fair balance, margin of appreciation, and manifestly without reasonable foundation.



#### CCPL RULE OF LAW AND LEGAL CULTURE PROJECT SEMINAR SERIES

From April to August 2015, the Rule of Law and Legal Culture Project conducted an empirical study on the legal culture of Hong Kong in order to 1) ascertain and compare the values and beliefs of the public and legal personnel, and 2) determine whether Hong Kong has a healthy external and internal legal culture to sustain the rule of law. The project surveyed over 3,500 randomly selected Hong Kong citizens, government officials in policy bureaux, senior officers in law enforcement agencies, legislators, judges and lawyers in Hong Kong, asking a wide range of questions concerning the performance of legal institutions and understandings of the legal culture. Their responses provided valuable information about the internal and external legal cultures of Hong Kong – the legal culture of both the general public and the legal personnel directly responsible for operating the legal system. The Centre organized 2 seminars in November 2017 to disseminate and discuss the survey findings:

## Do Hong Kong People Support Checks and Balances? 28 November 2017

**Moderator:** Isabella Liu, Assistant Research Officer, Faculty of Law, HKU

**Speakers:** Andrew Wong Wang Fat OBE, JP, Former President of the Legislative Council; Benny Tai, Associate Professor, Faculty of Law, HKU

## Democratic Values, Legal Culture and the Rule of Law, 19 November 2017

**Moderator:** Isabella Liu, Assistant Research Officer, Faculty of Law, HKU

**Speakers:** Kuan Hsin-chi, Emeritus Professor, Government and Public Administration, CUHK; Gladys Veronica Li, S. C., Former Chairman, Hong Kong Bar Association

**Discussant:** Simon Ng, Assistant Professor/ Senior Programme Director in Law, HKU SPACE

## OTHER SEMINARS

### Roundtable on the Future Development of Constitutional Law in Hong Kong

4 June 2018

Hamish Stewart, Faculty of Law, University of Toronto



### The Hong Kong Apology Ordinance: The Most Extensive Apology-protection Legislation in the World

16 May 2018

Robyn Carroll, The University of Western Australia

**Sunset Clauses in the Brexit Process**

11 May 2018

*Antonios Kouroutakis*, Assistant Professor, IE University, Madrid

**The New Terrain of International Law: Courts, Politics, Rights**

7 May 2018

*Karen J. Alter*, Northwestern University and iCourts, Copenhagen

**Rule of Law in China: Historical, Cultural, & Comparative Analysis**

25 April 2018

*Jeffrey E. Thomas*, Associate Dean for International Affairs, Daniel L. Brenner Faculty Scholar  
Professor of Law, University of Missouri Kansas City School of Law

**Failure to Prevent Offences – Reassessing the Boundaries of the Criminal Law**

18 April 2018

*Karl Laird*, Lecturer in Law, University of Oxford

**The Development of Classical Administrative Law and Modern Threats to it**

12 April 2018

*Christopher Forsyth*, Emeritus Sir David Williams Professor of Public Law, University of Cambridge

**Radical Federalism**

12 April 2018

*Roderick M. Hills, Jr.*, William T. Comfort, III Professor of Law, NYU Law School

**To Bark or to Bite? The European Union, its Member-states and the Rule of Law**

2 March 2018

*Lech Garlicki*, Former Judge of the European Court of Human Rights

**The Equal Opportunities Commission and the Courts in Hong Kong: A Partnership Model?**

28 February 2018

*David H. Rosenbloom*, Distinguished Professor of Public Administration, School of Public Affairs,  
American University; Chinese Thousand Talents Professor of Public Administration, School of Public  
Administration and Policy, Renmin University



### **Proportionality and the Culture of Justification**

9 February 2018,

Moshe Cohen, Eliya, President, College of Law and Business, Israel; Cheng Chan Lan Yue Distinguished Visiting Fellow, HKU

### **Practicing Refugee Law on the Frontier: Refugee Law in Egypt, India, Malaysia and Hong Kong**

1 February 2018

The panel was moderated by *Martin Jones*, Senior Lecturer in International Human Rights Law at the Centre for Applied Human Rights at the University of York, and *Kelley Loper*, Director of CCPL. Other panellists included representatives from the Egyptian Foundation for Human Rights, the Ara Trust in Malaysia, the North South Initiative in India, and Daly, Ho and Associates in Hong Kong.

### **Freedom of Expression, Non-discrimination, and the International Regulation of Hate Speech**

13 December 2017

*John Cerone*, University of Windsor

### **Statutory (and Constitutional) Interpretation and the Separation of Powers**

12 December 2017

*Richard Ekins*, University of Oxford

### **How Do You Rebuild Northern Uganda After the Civil War?**

6 December 2017

David Livingstone

**Book Launch: Courts and Democracies in Asia**

29 November 2017

Po Jen Yap, Associate Professor, The University of Hong Kong

**Immigration Detention & Accelerated Refugee Determination Procedures: The UK Experience**

24 November 2017

Amanda Weston, Barrister, Garden Court Chambers, UK

**Canada's Laws on Money Laundering and Proceeds of Crime**

3 November 2017

Sébastien Lafrance, Crown Prosecutor, Public Prosecution Service of Canada

**Book Talk: Does proportionality analysis promote judicial activism?**

23 October 2017

Niels Petersen, University of Münster

**Forum: Gender Recognition Legislation in Hong Kong: Opportunities and Challenges**

23 September 2017

The Hong Kong government is considering options for relevant legislation in response to a 2013 Hong Kong Court of Final Appeal judgment on transgender marriage (*W v The Registrar of Marriages*). After the court's decision, the government established an Inter-departmental Working Group on Gender Recognition (IWG) which has produced a Consultation Paper examining different types of gender recognition schemes and possible arguments for and against the adoption of particular models for Hong Kong. In order to contribute to this exercise, CCPL, in collaboration with the Hong Kong Equal Opportunities Commission, hosted a forum with professional and academic experts and advocates, including members of Hong Kong's transgender community, to discuss the Consultation Paper. The outcome of the event will be submitted to the IWG and thus inform and hopefully positively contribute to a possible future gender recognition scheme.

**Welcome Remarks**

Michael Hor, Dean, Faculty of Law, HKU

Kelley Loper, Director, Centre for Comparative and Public Law, HKU

**Keynote Speech**

Stephen Whittle, Manchester Metropolitan University

**Key issues, International and Local Legal Perspectives**

Moderator: Kelley Loper, HKU

Commentator: Stephen Whittle, MMU

Panellists:

Peter Reading, Legal Counsel, EOC Hong Kong

Michael Vidler, Solicitor, Vidler & Co. Solicitors

Patricia Ho, Partner, Daly & Associates

**Transgender Community Voices**

Moderator: Azan Marwah, Barrister and Mediator, Gilt Chambers

Robin Bradbeer, Secretary and Member of the Board of Directors of The Professional Commons,



former Professor at City University of Hong Kong

Joanne Leung, Chairperson, Transgender Resource Centre HK

Kaspar Wan, Filmmaker and Founder of Gender Empowerment

Brenda Alegre, Lecturer of the Sexuality & Gender : Diversity & Society Course (SGDS), HKU

Hun Law, Bodybuilder and Lecturer, HKU

**Gender Recognition: Perspectives of Key Stakeholders**

Moderator: Marco Wan, HKU

Suen Yiu Tung, Assistant Professor of Gender Studies and Associate Director, Gender Research Centre, The Chinese University of Hong Kong

Fern Ngai, Chief Executive Officer, Community Business

Sam Winter, Psychologist and Associate Professor, Faculty of Health Sciences, Curtin University

**Closing Remarks:** Alfred Chan, Chairperson, Equal Opportunities Commission



**The New Dominion Constitutional Framework: Lessons from Pakistan & Uncertain Sovereignty: Ceylon as a Dominion (1948-72)**

20 September 2017

Mara Malagodi, Senior Lecturer in Law, City Law School, University of London

Rehan Abeyratne, Assistant Professor of Law, Chinese University of Hong Kong

**Judges, Access to Justice, the Rule of Law and the Court of Final Appeal under “One Country Two Systems”**

13 September 2017

*The Right Hon. the Lord Neuberger of Abbotsbury*, President of the UK Supreme Court



**National Boundary and Maritime Defense Line West of the Chogyo/Tiuyu Islands (釣魚) for Min & Shin (Mdr. Ming & Qing) Empires 借問國疆何處有，牧童遙指釣臺西**

11 September 2017

Ishiwi Nozomu (石井望・いしゐのぞむ)

Associate Professor, Nagasaki Junshin Catholic University

**Brexit through the Lenses of Empire: Reflections on Franchise and Citizenship & The UK Supreme Court, the Constitution and Brexit**

8 September 2017

Mara Malagodi, Senior Lecturer in Law, City Law School, University of London

**Some Thoughts on International Arbitration in Japan and Elsewhere**

28 August 2017

Rikiya Sakamoto, Professor, Nihon University College of Law, Tokyo

**Book Talk: Unconstitutional Constitutional Amendments (Oxford University Press, 2017)**

3 July 2017

Yaniv Roznai, Radzyner School of Law, Interdisciplinary Center (IDC) Herzliya, Israel

### **Knowledge Exchange with the Community**

#### **September 2017: Puja Kapai Awarded Faculty Knowledge Exchange Award 2017**

CCPL's former Director and current Fellow, Puja Kapai, was awarded the University of Hong Kong's Faculty Knowledge Exchange (KE) Award 2017. The award recognises the impact her research has had on the interests and rights of ethnic minorities in Hong Kong. The impact of her work, "Plugging the Justice Gap for Minorities under the Law: Applied Intersectionality Research and Substantive Equality" ("以法律為弱勢消除公義鴻溝：應用跨界別研究及實質平等"), includes:

- The Hong Kong Legislative Council referenced Kapai's research and called on the HKSAR Government to follow up on recommendations based on her submissions.
- The study's intersectionality framework has become part of standards of best practice for the HKSAR Government and NGOs in handling ethnic minority issues.
- The study reassessed existing laws, policies, and service delivery involving ethnic minorities across many areas, including violence against women, education, employment and healthcare.
- It propelled NGOs to collect data to support evidence-based resource allocation & solutions.

#### **September – December 2017: Gender Recognition Legislation in Hong Kong**

As discussed above, on 23 September 2017, the Centre held a forum on Gender Recognition Legislation in Hong Kong. The forum featured Professor Stephen Whittle as the Keynote Speaker, lawyers practicing in the field, legal academics, and community voices. On 20 November 2017, Centre Director Kelley Loper made a deputation to the Legislative Council Panel on the Administration of Justice and Legal Services on the Consultation on Gender Recognition issued by the Hong Kong Government's Inter-departmental Working Group on Gender Recognition (IWG). In addition, CCPL submitted related

research to the IWG, including the results of a public opinion survey: “Public Attitudes Toward Transgender People and Anti-discrimination Legislation”.

**February 2018: Amanda Whitfort Interviewed on the Welfare of Dogs in The Year of the Dog (RTHK’s The Pulse)**

It is the Year of the Dog, and in Chinese iconography, dogs symbolise good luck, loyalty, obedience, prosperity, and a promise of friendship. But their relationship with humans isn’t always an easy one. Not only are they – often brutally - killed and eaten in some Asian countries, including China, commercial breeders and pet shops are known to confine them in particularly distressing conditions, and would-be owners are not even allowed to keep them in many Hong Kong housing estates. Things are looking up, as more people across Asia and locally are adopting dogs and looking out for their welfare. As anyone who lives with them knows, they often give back at least as much affection and trust as they receive.

In a special episode of The Pulse, CCPL Fellow Amanda Whitfort shared her thoughts on why breeders should be obligated to have a duty of care, the need for animal welfare legislation in Hong Kong, and penalties for those who breach animal welfare laws.

**March – May 2018: UN Human Rights Council’s Universal Periodic Review (UPR)**

CCPL, along with Hong Kong Human Rights Monitor and Hong Kong Unison, coordinated a Joint Submission of 53 NGOs in Hong Kong to the UN Human Rights Council as part of the Council’s third cycle of its Universal Periodic Review (UPR). China’s report, including Hong Kong and Macau, will be discussed in late 2018. Students in the Faculty’s Human Rights in Practice course also contributed to PEN Hong Kong’s submission, along with International PEN, PEN Canada, and the International Human Rights Program of the University of Toronto Faculty of Law.

**April – August 2018: International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)**

Together with Hong Kong Human Rights Monitor and Hong Kong Unison, CCPL coordinated the Joint NGO Submission to the Committee on the Elimination of Racial Discrimination (CERD), which was signed by 54 NGOs. CCPL also prepared its own submission 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 submission also cited research conducted by Faculty members affiliated with CCPL. In addition, CCPL’s Director, Kelley Loper, and CCPL Fellow and former Director, Puja Kapai, presented on issues related to racial discrimination in Hong Kong at a press conference and attended the review of Hong Kong’s periodic report to the UN Committee on the Elimination of all Forms of Racial Discrimination in Geneva in early August 2018.

**June 2018: Seminar on Third-Party Interventions in Court Cases on Same-sex Partnership Rights – Insights and Implications**

On 21 June 2018, CCPL collaborated with Amnesty International to host a Seminar on Third-Party interventions in Court Cases on Same-sex Partnership Rights. Over the last two years, international human rights organizations, banks and law firms have applied to intervene as third parties in local cases involving the rights of same-sex couples. The seminar served as a platform for members of legal, academic,

business, LGBTI and other civil society communities to reflect on ways of advancing rights for same-sex couples through intervention in strategic litigation. Participants discussed the implications of these efforts and explored possibilities for future litigation and collaboration. Director of CCPL, Kelley Loper chair the panel, and Prof Marco Wan, CCPL Fellow, served as a panellist.

### July 2018: CCPL's Report on Same-sex Couples' rights

In July 2018, CCPL published a research report showing shifts in Hong Kong public opinion on same-sex couples' rights in recent years. The survey shows that over half of Hong Kong people support same-sex marriage. The findings have stirred notable public debate and attracted media attention in Hong Kong and beyond. Kelley Loper, CCPL's Director and one of the investigators, was interviewed by local and international media outlets including the *New York Times*. See the Media Presence section of this Report for a complete list. An earlier survey, published by CCPL in 2014, was cited by the Hong Kong Court of Appeal in June 2018.

### Publications



#### The Asia-Pacific Journal on Human Rights and the Law (Vols. 18 and 19)

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

CCPL provides support for the *Asia-Pacific Journal on Human Rights and the Law*, an international law journal published by Brill. In 2013, former CCPL Director, Simon Young, and current Director, Kelley Loper, took over the editorship of the journal, which is now housed in CCPL and is one of two international peer reviewed law journals in the Faculty of Law (along with *Hong Kong Law Journal*).

#### Volume 18, Issue 1 (2017)

- Naparat Kranrattanasuit, "Inaccessible Public Bus Services in Thailand"
- Yustina Trihoni Nalesti Dewi, Grant R Niemann and Marsudi Triatmodjo, "Indonesia's Human Rights Court: Need for Reform"
- Emily Sanchez Salcedo, "Expanding the Role of the Philippine Commission on Human Rights for the Protection of Gender Equality in the Workplace - Practical Lessons from Canada"
- Andrew Wolman, "Human Rights between the Local and Global - A Case Study of the Seoul Human Rights Ombudsperson"
- Agnes Chong, "Analysis of Right to Water Needs Further Depth"

#### Volume 18, Issue 2 (2017)

- Huang Gui, "The Communist Party of China's Approach to Human Rights and the Death Penalty"
- Md Jahid Hossain Bhuiyan, "Enforcement of Fatwas in Bangladesh and the Violation of Constitutionally Guaranteed Fundamental Rights of Others: Compromising Between Rights"
- Agung Wardana and Ni Putu Yogi Paramitha Dewi, "Moving Away from Paternalism: The New Law on Disability in Indonesia"
- Binendri Perera, "Achieving the Zenith of Education: Human Rights Based Transformation of Higher Education in Sri Lanka"

## Volume 19, Issue 1 (2018)

- Zezen Zaena Mutaqin, “The Rohingya Refugee Crisis and Human Rights: What Should ASEAN Do?”
- Eleni Polymenopoulou, “LGBTI Rights in Indonesia: A Human Rights Perspective”
- Harold Sougato Baroi; Shawkat Alam; Carlos Bernal, “Can an Open Access Approach be the Solution to Better Implementation of the Right to Information Act in Bangladesh?”
- Sital Kalantry, “Women’s Human Rights and Migration: Sex-Selective Abortion Laws in the United States and India”
- Book Review of Eva Pils, *Human Rights in China: A Social Practice in the Shadows of Authoritarianism*

### Publications by CCPL Scholars

**Appendix 1** to this Report lists a selection of publications by CCPL-affiliated scholars. Many of these represent output arising from projects housed in the Centre.

### Media Presence

Scholars associated with the Centre were widely cited in local and regional media outlets in the 2017-18 period. Examples include:

#### Op-eds

- Amanda Whitfort, “Let’s get serious on punishment for wildlife crimes”, *South China Morning Post*, 9 June 2018.

#### Radio

- Kelley Loper, “Academic says QT ruling may bring more challenges”, *RTHK*, 4 July 2018.
- Amanda Whitfort, “Welfare of dogs in the Year of the Dog”, *RTHK’s The Pulse*, 17 February 2018.

#### Profiles and interviews

- Shahla Ali was quoted in “Experts divided over ramifications of Belt and Road courts on Myanmar”, *Myanmar Times*, 2 February 2018.
- Peter Chau was quoted in “Judiciary in the dock: jailing of student activists opens door to debate”, *South China Morning Post*, 25 August 2017.
- Albert Chen was quoted in the following reports:
  - “More Hong Kong pan-democrats in ‘highly risky’ position after ouster of four lawmakers: experts”, *South China Morning Post*, 18 July 2017.
  - “How Beijing is Undermining HK Judicial System via DQ cases”, *EJ Insight*, 20 July 2017.
  - “Hong Kong Legal Challenge to Mainland’s High-speed Rail Terminus Lease ‘Unlikely to Succeed’”, *South China Morning Post*, 26 July 2017.
  - “Hong Kong Gets More Power under Joint Checkpoint Plan, not Less, Legal Scholar Argues”, *South China Morning Post*, 31 July 2017.
  - “Judiciary in the Dock: Jailing of Student Activists Opens Door to Debate”, *South China Morning Post*, 25 August 2017.
  - “Concerns over Planned Law to Prevent Abuse of Chinese National Anthem in Hong Kong”, *South China Morning Post*, 28 August 2017.

- “Explainer: What Will China’s National Anthem Law Mean for Hong Kong?” *South China Morning Post*, 30 August 2017.
- “China Imposes National Anthem Law on Hong Kong, Raising Spectre of Prison Terms for Abuse of Song”, *South China Morning Post*, 4 November 2017.
- “Wang Zhenmin: Basic Law Stems from National Constitution”, *EJ Insight*, 5 December 2017.
- “China Says Part of Hong Kong Rail Station to Be Subject to Mainland Laws”, *Reuters*, 27 December 2017.
- “Pro-Beijing veteran Maria Tam backtracks on claim that checkpoint decision has legal binding power for Hong Kong courts”, *South China Morning Post*, 1 January 2018.
- “Basic Law Members Bid to Ease Co-location Fear”, *The Standard*, 3 January 2018.
- “Political Storm in Hong Kong as Activist Agnes Chow Banned from By-election over Party’s Call for City’s ‘Self-determination’”, *South China Morning Post*, 28 January 2018.
- “Reviving Article 23 (Part II): Old Wine in New Bottles for Hong Kong’s National Security Debate”, *Hong Kong Free Press* 18 February 2018.
- Lindsay Ernst was quoted in “How Free Legal Advice can Help Communities Escape Hong Kong’s Poverty Trap”, *Hong Kong Free Press*, 18 December 2017.
- Fu Hualing was quoted in the following reports:
  - “In China, Fears That New Anticorruption Agency Will Be Above the Law”, *New York Times*, 29 November 2017.
  - “Trump Says the Shoplifting UCLA players faced 10 years in Jail. That’s wrong”, *Washington Post*, 22 November 2017.
  - “Trump Asked China to Free U.C.L.A. Players. What About Activists?”, *New York Times*, 20 November 2017.
  - “China’s Xi Set to Codify Legal Clout, Anti-graft Campaign at Congress”, *Reuters*, 17 October 2017.
  - “Chinese Fugitive Hiding on Tiny Caribbean Island Willing to Return to Face US\$100 Million Fraud Accusations – but only as ‘Free Man’”, *South China Morning Post*, 9 July 2017.
- Puja Kapai was quoted in the following reports:
  - “UK’s New Chief judge Could Become First Ever Woman on Hong Kong’s Top Court”, *South China Morning Post*, 22 July 2017.
  - “More Women are in Hong Kong’s Prisons than Anywhere Else. They Should be Protected, not Criminalised”, *The Guardian*, 21 August 2017.
  - “Hong Kong’s Media Must Show More Sensitivity when Reporting on Domestic Violence”, *South China Morning Post*, 14 September 2017.
  - “Asia’s World City? Hong Kong Ethnic Minorities Feel Targeted by Police Stop and Search actions”, *South China Morning Post*, 8 October 2017.
  - “Hong Kong’s Ethnic Minorities Can’t Assess Preschool Quality as Reports are not in English, Survey Reveals”, *South China Morning Post*, 2 November 2017.
  - “Hong Kong’s proposed co-parenting bill will empower abusers and increase risk of domestic violence”, *Hong Kong Free Press*, 25 November 2017.
  - “Hong Kong Equality Watchdog Urges Sports Sector Leaders to Comply with Sexual Harassment Study”, *South China Morning Post*, 1 December 2017.
  - “Bridging the Wage Divide”, *South China Morning Post*, 20 January 2018.
  - “Is Gender Pay Inequality a Problem in Hong Kong?”, *South China Morning Post*, 20 January 2018.

- Kelley Loper was quoted in the following reports:
  - “Hong Kong’s Equality Watchdog Head Slammed for Cronyism and Poor Governance”, *South China Morning Post*, 15 February 2018.
  - “What Four Secretly Gay Civil servants in Hong Kong Feel about the Government Appealing against City’s Landmark LGBT Ruling”, *South China Morning Post*, 9 June 2018.
  - “Support for Same-sex Marriage in Hong Kong Grows as New Study Shows Attitudes to LGBT Community are Changing in City”, *South China Morning Post*, 3 July 2018.
  - “More than Half of Hong Kong Supports Equal Marriage, Says Report”, *Pink News*, 3 July 2018.
  - “Over Half of Hongkongers Support Same-sex Marriage, HKU Report Finds”, *Hong Kong Free Press*, 3 July 2018.
  - “Over 50% of Hongkongers Now Support Same-sex Marriage: HKU study”, *EJ Insight*, 4 July 2018.
  - “Same-Sex Couples Entitled to Equal Visa Rights, Hong Kong Court Says”, *New York Times*, 4 July 2018.
  - “Hong Kong moves closer to achieving LGBTQ equality with landmark ruling”, *Gay Times*, 4 July 2018.
  - “Hong Kong Grants Same-Sex Couples Equal Visa Rights”, *Billboard*, 4 July 2018.
- Amanda Whitfort was quoted in the following reports:
  - “Animal Cruelty Police Force Needed in Hong Kong, Experts Say, after Shocking Cases Exposed Online”, *South China Morning Post*, 7 October 2017.
  - “Horses, Yes. Cows, Pigs and Goats too. But Should Hong Kong Traffic Law Cover Cats and Dogs?”, *South China Morning Post*, 19 October 2017.
  - “Why Chinese Demand for ‘Red Ivory’ Dooms Helmeted Hornbill Bird to Extinction unless Poaching can be Stopped”, *South China Morning Post*, 13 January 2018.
  - “The Hounded Hornbill”, *South China Morning Post*, 14 January 2018.
  - “Rhino horn, ivory and endangered species traffickers must feel the full force of Hong Kong law”, *South China Morning Post*, 8 June 2018.
- Simon Young was quoted in the following reports:
  - “Hong Kong Passes Law Making it Easier to Say ‘Sorry’ without Legal Consequences”, *South China Morning Post*, 13 July 2017.
  - “Chinese Officials to Enforce Mainland Laws in Hong Kong Train Station”, *Reuters*, 25 July 2017.
  - “Is Hong Kong’s Rule of Law Really under Threat?”, *South China Morning Post*, 27 August 2017.
  - “Rurik Jutting, British Banker Jailed over Hong Kong Double Murder, to Appeal Conviction”, *South China Morning Post*, 27 September 2017.
  - “Hong Kong Judges See Lowest Pay Rise in Eight Years amid Manpower Crunch”, *South China Morning Post*, 4 October 2017.
  - “Anyone – Including Last Governor Chris Patten – Could be Barred from Hong Kong, Carrie Lam says”, *South China Morning Post*, 13 October 2017.
  - “Former Hong Kong Leader Donald Tsang Avoids Conviction on Bribery Charge – for Now – as Jury Unable to Reach Verdict”, *South China Morning Post*, 3 November 2017.
  - “Looming National Security Laws Raise Fresh Fears for Hong Kong’s Freedoms”, *Reuters*, 24 November 2017.
  - “Getting Donald Tsang Back in the Dock for Second Retrial will be Hard for Hong Kong Prosecutors, Legal Experts say”, *South China Morning Post*, 4 November 2017.



- “Despite a Change in Strategy, Prosecutors Come up Short again in Former Hong Kong Leader Donald Tsang’s Bribery Trial”, *South China Morning Post*, 7 November 2017.
- “Jail in Hong Kong for Booing China’s National Anthem”, *Aljazeera*, 8 December 2017.
- “Reviving Article 23 (Part I): The Rise and Fall of Hong Kong’s 2003 National Security Bill”, *Hong Kong Free Press*, 17 February 2018.
- “Macau Proposal to Ban Foreign Judges on Some Cases would ‘Dent Confidence’ in Hong Kong, Says Legal Expert”, *South China Morning Post*, 21 February 2018.
- “New Law on Hearsay Evidence Designed to Give Hong Kong’s Vulnerable Better Protection in Criminal Court Cases”, *South China Morning Post*, 21 June 2018.
- “Edward Leung Riot Sentence: Too Harsh, or Necessary as Deterrent? Legal Scholars, Politicians Split over Jail Term for Hong Kong Independence Activist”, *South China Morning Post*, 26 June 2018.

## APPENDIX 1

### *Selected Publications*

(by Scholars Affiliated with the Centre for Comparative and Public Law)

#### **Shahla Ali**

- Ali, Shahla F. and Mbugua, Wilson, Dispute Resolution in International and Bilateral Investment Agreements (October 25, 2017). IP as Property, Kluwer Law (2019, Forthcoming); University of Hong Kong Faculty of Law Research Paper No. 2018/022. Available at: <https://ssrn.com/abstract=3168996>
- Ali, Shahla F., Court Mediation Reform: Efficiency, Confidence and Perceptions of Justice (March 15, 2018). Court Mediation Reform: Efficiency, Confidence and Perceptions of Justice, Cheltenham, UK and Northampton, Massachusetts, USA: Edward Elgar Publishing (2018); University of Hong Kong Faculty of Law Research Paper No. 2018/021. Available at: <https://ssrn.com/abstract=3168994>
- Ali, Shahla F., Governing Disasters: Engaging Local Populations in Humanitarian Relief (June 11, 2016). Governing Disasters: Engaging Local Populations in Humanitarian Relief, Cambridge University Press, 2016, ISBN: 9781316227008; University of Hong Kong Faculty of Law Research Paper No. 2018/027. Available at: <https://ssrn.com/abstract=3161185>
- Ali, Shahla F., Mass Claims Mediation in China (2016). The Journal of Comparative Law, Vol. 10, No. 2, p. 142-157, 2016. Available at: <https://ssrn.com/abstract=3044992> or <http://dx.doi.org/10.2139/ssrn.3044992>
- Ali, Shahla F., Balancing Procedural and Substantive Arbitration Reforms: Advancing International Arbitration Practice in Hong Kong (September 7, 2017). The Developing World of Arbitration: A Comparative Study of Arbitration Reform in the Asia Pacific (A. Reyes and W. Gu, Eds.) Hart Publishing. Available at: <https://ssrn.com/abstract=3033535>

#### **Cora Chan**

- Chan, Cora, Legalizing Politics: An Evaluation of Hong Kong's Recent Attempt at Democratization (May 30, 2017). (2017) 16(2) Election Law Journal 296-305; University of Hong Kong Faculty of Law Research Paper No. 2018/009. Available at: <https://ssrn.com/abstract=3102419>

#### **Albert Chen**

- Zhu, Han and Chen, Albert H. Y., 2016年香港立法会选举及宣誓风波法律评析——历史和比较法的视角 (A Legal Analysis of the 2016 Hong Kong Legislative Council Oath-Taking Controversy: A Historical and Comparative Perspective) (April 28, 2016). Issue 4 武汉大学《法学评论》(Law Review, Wuhan University Law School) pp 24-37. Available at: <https://ssrn.com/abstract=3073466>
- Chen, Albert H. Y. and Lo, P. Y., Hong Kong's Judiciary Under 'One Country, Two Systems' (August 27, 2017). University of Hong Kong Faculty of Law Research Paper No. 2017/022. Available at: <https://ssrn.com/abstract=3027564> or <http://dx.doi.org/10.2139/ssrn.3027564>
- Chen, Albert H. Y., Constitutions, Constitutionalism and the Case of Modern China (August 27, 2017). University of Hong Kong Faculty of Law Research Paper No. 2017/023. Available at: <https://ssrn.com/abstract=3027562> or <http://dx.doi.org/10.2139/ssrn.3027562>

#### **Hualing Fu**

- Zhu, Han and Hualing, Fu, Transparency As an Offence: Rights Lawyering for Open Government Information in China (December 25, 2017). The Journal of Comparative Law, Volume 12:2 (2017), pp 417-36; University of Hong Kong Faculty of Law Research Paper No. 2018/031. Available at: <https://ssrn.com/abstract=3178449>
- Hualing, Fu and Buhi, Jason, Diverging Trends in the Socialist Constitutionalism of the People's Republic of China and Socialist Republic of Vietnam (July 29, 2017). Peking University School of Transnational Law

**David S. Law**

- Law, D.S. and Chang, W.C., Constitutional Dissonance in China, in: Gary Jacobsohn, Miguel Schor, Comparative Constitutional Theory. (Edward Elgar, 2018), 476-513.
- Law, D.S. and Ginsburg, T., Constitutional Drafting in Latin America: A Quantitative Perspective, in: Daniel Bonilla, Colin Crawford, Constitutionalism in the Americas. (Edward Elgar, 2018) 217-239.
- Law, D.S., Alternatives to Liberal Constitutional Democracy, (2017) 76 Maryland Law Review 223-43.
- Law D.S., The Global Language of Human Rights: A Computational Linguistic Analysis, (2018) 12 Law and Ethics of Human Rights.

**Kelley Loper**

- Lau, Holning and Lau, Charles and Loper, K. A. and Suen, Yiu-tung, 香港市民過去四年（2013-2017 年）對同性伴侶權利的支持度有所提升，目前超過半數市民支持同性婚姻 (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). Briefing Paper (2018), Centre for Comparative and Public Law, University of Hong Kong Faculty of Law; UNC Legal Studies Research Paper. Available at: <https://ssrn.com/abstract=3207060>
- Lau, Holning and Yeung, Geoffrey and Stotzer, Rebecca and Lau, Charles and Loper, K. A., Assessing the Tongzhi Label: Self-Identification and Public Opinion (May 18, 2016). Journal of Homosexuality, Vol. 64, No. 4, 509-522, 2017; UNC Legal Studies Research Paper. Available at: <https://ssrn.com/abstract=3030703> or <http://dx.doi.org/10.2139/ssrn.3030703>

**Alex Schwartz**

- Schwartz, Alex, International Judges on Constitutional Courts (December 6, 2017). Forthcoming in Law & Social Inquiry; University of Hong Kong Faculty of Law Research Paper No. 2018/001. Available at: <https://ssrn.com/abstract=3083553>

**Po Jen Yap**

- Yap, Po Jen, Exploring the Political Question Doctrines in Hong Kong (2017). Singapore Academy of Law Journal, Vol. 29, pp. 690-718, 2017. Available at SSRN: <https://ssrn.com/abstract=3097035>
- Yap, Po Jen, Legislative Oaths and Judicial Intervention in Hong Kong (2017). Hong Kong Law Journal, Vol. 47, pp. 1-15, 2017; University of Hong Kong Faculty of Law Research Paper No. 2017/028. Available at: <https://ssrn.com/abstract=3046359>

**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: <https://ssrn.com/abstract=3171892>
- Young, Simon N. M., Enforcing Criminal Law Through Civil Processes: How Does Human Rights Law Treat "Civil for Criminal Processes"? (August 31, 2017). (2017) 4(2) Journal of International and Comparative Law 133-170; University of Hong Kong Faculty of Law Research Paper No. 2017/024. Available at: <https://ssrn.com/abstract=3029980>

**APPENDIX 2**  
**CCPL Fellows (as at June 2018)**

*Farzana Aslam*  
Senior Lecturer, Faculty of Law, HKU

*Shahla Ali*  
Assistant Professor, Faculty of Law, HKU

*Janice Brabyn*  
Associate Professor, Faculty of Law, HKU

*Cora Chan*  
Associate Professor, Faculty of Law, HKU

*Joseph Chan*  
Professor, Department of Politics & Public  
Administration, HKU

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

*Richard Cullen*  
Professor, Faculty of Law, HKU

*James Fry*  
Assistant Professor, Faculty of Law, HKU

*Fu Hualing*  
Professor, Faculty of Law, HKU

*David Law*  
Professor, Faculty of Law, HKU

*Kelley Loper*  
Associate Professor, Faculty of Law, HKU

*Michael Jackson*  
Associate Professor, Faculty of Law, HKU

*Puja Kapai*  
Associate Professor, Faculty of Law, HKU

*Karen Kong*  
Senior Lecturer, Faculty of Law, HKU

*Rick Glofcheski*  
Professor, Faculty of Law, HKU

*Jolene Lin*  
Associate Professor, Faculty of Law, HKU

*Haochen Sun*  
Associate Professor, Faculty of Law, HKU

*Marcelo Thompson*  
Assistant Professor, Faculty of Law, HKU

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

*Doreen Weisenhaus*  
Journalism & Media Studies Centre, 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 at 30 June 2018)**

<b>Title of Project / Investigators</b>
<p>A comparative Evaluation of Hong Kong's Legislative Powers to Regulate Trade in Endangered Wild Animals</p> <p>Principal Investigator: Amanda Whitfort</p>
<p>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</p> <p>Principal Investigator: Puja Kapai</p>
<p>Proportionality in Criminal Punishment</p> <p>Principal Investigator: Peter Chau</p>
<p>Plugging the Justice Gap for Minorities under the Law: Applied Intersectionality Research and Substantive Equality</p> <p>Principal Investigator: Puja Kapai</p>
<p>Courts and Democracies in Asia</p> <p>Principal Investigator: Yap Po Jen</p>
<p>Gender Initiatives for the Women's Studies Research Centre</p> <p>Principal Investigator: Puja Kapai</p>
<p>Constitutionalism in Context</p> <p>Principal Investigator: David Law</p>
<p>Child Impact Assessment in Hong Kong: Opportunities and Entry Points</p> <p>Principal Investigator: Puja Kapai</p>
<p>Conference on Chinese as a Second Language</p> <p>Principal Investigator: Puja Kapai</p>
<p>CCPL Public Opinion Survey 2016: Hong Kong's Journey Towards Democratisation and 2047</p> <p>Principal Investigator: Puja Kapai</p>
<p>A Comparative Study of Civil Sanctions Against Money Laundering</p> <p>Principal Investigator: Simon Young</p>
<p>Constitutional Development in Hong Kong and Rule of Law Education</p> <p>Principal Investigator: Benny Tai</p>

Title of Project / Investigators
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 UN 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





