

ANNUAL REPORT

July 2021 - June 2022

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About CCPL

The Centre for Comparative and Public Law (CCPL) was established in 1995 as a non-profit virtual research centre in the Faculty of Law, The University of Hong Kong. Its goals are to (1) advance knowledge on public law and human rights issues primarily from the perspectives of international and comparative law and practice; (2) encourage and facilitate collaborative work within the Faculty of Law, The University of Hong Kong, and the broader 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.

The Centre's projects and events generally come within one of the following areas of focus: Comparative Human Rights; Empirical Legal Studies; Equality and Non-discrimination; International Law in the Domestic Order; Judicial Studies; and Public Law and Governance.

The variety and depth of the expertise of CCPL members and CCPL's links with international institutions and law faculties enable CCPL to contribute significantly to academic scholarship and public debate across a diverse range of areas. These include the practice and future of "One Country, Two Systems" in Hong Kong, constitutional and administrative law of Hong Kong, discourse on global and regional governance, the content and implementation of human rights obligations in contemporary times, global constitutionalism, to name a few.

The Centre's research focus regularly attracts proposals to collaborate on cutting edge research projects, develop training materials and advance skills and knowledge through its activities and events. CCPL has also been engaged in channelling students' interest to provide mentorship, develop their skills and further their understanding through interactive work experiences that expand their legal education beyond the classroom. In addition, CCPL has been using technology to reach a broader audience. By using social media platforms such as *Facebook*, *Twitter*, *Instagram*, *LinkedIn* and *YouTube*, the Centre has widened its demographic reach, achieved greater visibility, and engaged larger audiences in its activities.

These initiatives have helped strengthen and encourage collaborative and interdisciplinary research and capacity-building work within the Faculty, across the University, the community of legal professionals and civil society organisations in Hong Kong and beyond. Additionally, they have helped CCPL's branding, defining its expertise in producing high quality academic research and outputs as well as cementing its reputation as an organiser of events and activities with wide-ranging reach and impact.

Board of Management**Po Jen Yap**

Director of CCPL
Professor
Faculty of Law
The University of Hong Kong

Xia Ying

Deputy Director of CCPL
Assistant Professor
Faculty of Law
The University of Hong Kong

Cora Chan

Associate Professor
Faculty of Law
The University of Hong Kong

Benjamin Chen

Assistant Professor
Faculty of Law
The University of Hong Kong

Christopher Szabla

Global Academic Fellow
Faculty of Law
The University of Hong Kong

Simon NM Young

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

Alex Schwartz (until Dec 2021)

Deputy Director of CCPL
Associate Professor
Faculty of Law
The University of Hong Kong

Rehan Abeyratne

Associate Professor
Faculty of Law
Chinese University of Hong Kong

Albert Chen

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

Fu Hualing

Warren Chan Professor in Human Rights
Dean of the Faculty of Law
The University of Hong Kong

Anna Wu

Honorary Professor
Faculty of Law
The University of Hong Kong

Zhu Han

Research Assistant Professor
Faculty of Law
The University of Hong Kong

International Advisory Board



Professor Rosalind Dixon is a Professor of Law, at the University of New South Wales, Faculty of Law. She earned her BA and LLB from the University of New South Wales, and was an associate to the Chief Justice of Australia, the Hon. Murray Gleeson AC, before attending Harvard Law School, where she obtained an LLM and SJD. Her work focuses on comparative constitutional law and constitutional design, constitutional democracy, theories of constitutional dialogue and amendment, socio-economic rights and constitutional law and gender, and has been published in leading journals in the United States, Canada, the United Kingdom and Australia, including the *Chicago Law Review*, *Cornell Law Review*, *George Washington Law Review*, *University of Pennsylvania Journal of Constitutional Law*, *International Journal of Constitutional Law*, *American Journal of Comparative Law*, *Osgoode Hall Law Journal*, *Oxford Journal of Legal Studies*, *Federal Law Review* and *Sydney Law Review*. She is co-editor, with Tom Ginsburg, of a leading handbook on comparative constitutional law, *Comparative Constitutional Law* (Edward Elgar, 2011), and related volumes on *Comparative Constitutional Law in Asia* (Edward Elgar, 2014) and *Comparative Constitutional Law in Latin America* (Edward Elgar, 2017), co-editor with Mark Tushnet and Susan Rose-Ackermann of the Edward Elgar series on *Constitutional and Administrative Law*, on the editorial board of the *International Journal of Constitutional Law*, *Revista Estudos Institucionais* and *Public Law Review*, and editor of the *Constitutions of the World* series for Hart Publishing.

Professor Dixon is a Manos Research Fellow, Director of the Gilbert + Tobin Centre of Public Law, Deputy Director of the Herbert Smith Freehills Initiative on Law and Economics, Co-Director of the UNSW New Economic Equality Initiative (NEEI), and academic co-lead of the Grand Challenge on Inequality at UNSW. She previously served as an assistant professor at the University of Chicago Law School, and has been a visiting professor at the University of Chicago, Columbia Law School, Harvard Law School and the National University of Singapore. She was recently elected as co-president of the International Society of Public Law: <https://www.icon-society.org/>.



Professor Victor V. Ramraj joined the University of Victoria as Professor of Law and CAPI Chair in Asia-Pacific Legal Relations in 2014, after sixteen years at the National University of Singapore (NUS). As an Associate Professor in the NUS Faculty of Law, he twice served as the Faculty's Vice-Dean for Academic Affairs (2006-2010, 2011-2012). He was also twice seconded to the Center for Transnational Legal Studies (CTLs), a consortium of global law schools in London, and served for one year (2010-2011) as its co-director. Professor Ramraj holds five degrees from McGill University, the University of Toronto, and Queen's University Belfast, served as a judicial law clerk at the Federal Court of Appeal in Ottawa and as a litigation lawyer in Toronto, and remains a non-practicing membership in the Law Society of Upper Canada. He has held visiting teaching appointments at Kyushu University and the University of Toronto.

Professor Ramraj has edited/co-edited several books published by Cambridge University Press, including *Emergencies and the Limits of Legality* (2009) and *Emergency Powers in Asia: Exploring the Limits of Legality* (2010). His work has been published in leading journals around the world, including *Chicago-Kent Law Review*, *Hong Kong Law Journal*, *ICON*:

International Journal of Constitutional Law, Singapore Journal of Legal Studies, South African Journal on Human Rights, Tilburg Law Review, and Transnational Legal Theory.



Professor Adrienne Stone holds a Chair at Melbourne Law School where she is also a Kathleen Fitzpatrick Australian Laureate Fellow, a Redmond Barry Distinguished Professor and Director of the Centre for Comparative Constitutional Studies. She researches in the areas of constitutional law and constitutional theory and holds an Australia Laureate Fellowship (2017-2021). She has published widely in international journals including in the Vienna Journal on International Constitutional Law; International Journal of Constitutional Law, Constitutional Commentary, the Toronto Law Journal and the Oxford Journal of Legal Studies. With Cheryl Saunders AO, she is editor of the Oxford Handbook on the Australian Constitution; and with Frederick Schauer, she is editor of the forthcoming Oxford Handbook on Freedom of Speech.

Professor Stone is the President of the International Association of Constitutional Law and is an elected Fellow of the Academy of Social Sciences in Australia and Australian Academy of Law. Through the Centre for Comparative Constitutional Studies she is extensively engaged with government and non-governmental organisations on constitutional questions including freedom of speech, constitutional recognition of Indigenous Peoples, and bills of rights. She has held visiting positions in the United States, Canada and France. She has delivered papers and lectures by invitation at many universities in Australia, North America, Europe and Asia.



Professor Stephen Tierney is Professor of Constitutional Theory and Director of the Edinburgh Centre for Constitutional Law. He is also Deputy Head of the Law School. He has held a British Academy Senior Research Fellowship and an ESRC Senior Research Fellowship. He is currently a Senior Fellow of the Centre of Constitutional Change which has attracted approximately £5,000,000 in grant funding over the past four years. He is co-editor of the United Kingdom Constitutional Law blog and a member of the Executive Committee of the UK Constitutional Law Association. He also serves as Legal Adviser to the House of Lords Constitution Committee and is a member of the Judicial Appointments Board for Scotland. He previously served as Constitutional Adviser to the Scottish Parliament Independence Referendum Bill Committee in 2013-14.

Professor Tierney teaches and researches on United Kingdom and comparative constitutional law and constitutional theory. He is committed to research impact and engages widely with government, parliamentary committees and the media on issues such as devolution, referendum law and Brexit. Professor Tierney has recently won an ESRC Brexit Priority grant with two colleagues to study 'The repatriation of competences: implications for devolution'. This project will address how powers returning from Brussels will be located within the United Kingdom's devolved constitution. The project will involve a number of outreach events for government and parliamentary officials and other interested stakeholders. He has published nine books including two monographs with Oxford University Press: Constitutional Law and National Pluralism and Constitutional Referendums: The Theory and Practice of Republican Deliberation. He is currently writing a third book for Oxford University Press on Federalism and editing a book on Federalism and the United Kingdom with Robert Schutze.

Staff

Professor Po Jen Yap is a Professor at The University of Hong Kong, Faculty of Law, where he specializes in Constitutional and Administrative law. He has been the Director of CCPL since October 2019. He graduated from the National University of Singapore with an LLB degree and he obtained LLM qualifications from both Harvard Law School and University College London. He also has a PhD degree from the University of Cambridge. He is an Advocate and Solicitor of the Supreme Court of Singapore and an Attorney at Law in the State of New York (USA). He is the author and editor of over 50 books, book chapters, journal articles, and/ or case commentaries. His first sole-authored monograph *Constitutional Dialogue in Common Law Asia* was published by Oxford University Press in 2015 and was awarded HKU's University Research Output Prize in 2016. He is also the recipient of HKU's 2016 Outstanding Young Researcher Prize. His second sole-authored monograph *Courts and Democracies in Asia* was published by Cambridge University Press in October 2017. He is the Principal Investigator of two General Research Fund (GRF) competitive external research grants, which were awarded in 2014 and 2017 respectively.



Dr Alex Schwartz was the Deputy Director of the Centre for Comparative and Public Law until December 2021. 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 Ying Xia is the Deputy Director of CCPL. She received her S.J.D. from Harvard Law School. Her doctoral thesis examines the socio-legal implications of Chinese investment in African countries. During her study at Harvard, Ying was also awarded the Yong K. Kim '95 Memorial Prize for her work on the connections between China's environmental campaign and the international trade in waste. She also received an LL.M. in international law and an LL.B. from Peking University. Ying's research interest includes environmental law, international law, and law and public policy, with a focus on experience from developing countries.



Phoenix To has been the Executive Secretary for CCPL since February 2022. 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.



Winnie Law was the Executive Secretary for CCPL until February 2022. She managed the administration of CCPL in respect of all its activities, events and projects. She oversaw 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 included 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.



Raphael Leung is a Student Research Officer for CCPL. He graduated from The University of Hong Kong with First Class Honours in Bachelor of Social Sciences and Juris Doctor. He represented The University of Hong Kong in the Philip C Jessup International Law Moot Court Competition 2021 during his PCLL, and captured not only the regional Championship with his team, but was ranked as one of the top 100 oralists internationally. Raphael is partially funded by the Michael and Judith Beloff Scholarship to pursue the BCL at University of Oxford in 2021-2022. He will then commence pupillage in Hong Kong in September 2022.



Diana Siu is a Student Research Officer for CCPL. She graduated from the University of Hong Kong with a Juris Doctor degree, ranked 2nd in her cohort, with First Class Honours and was awarded multiple JD subject prizes. Prior to law school, she earned her Bachelor's degree in Literature, and Social Research and Public Policy from New York University Abu Dhabi on full ride NYU scholarship. She has recently completed her PCLL (HKU) and will soon start her training contract at an international law firm.



Abdullah Bin Azhar is a Student Research Officer for CCPL. He is currently studying for a Bachelor of Laws at the University of Hong Kong funded fully by the HKU Foundation Entrance Scholarship. He hopes to commence his PCLL in 2022 and will start as a trainee solicitor at the firm, Linklaters, in 2023.

Fellows

Fellows are full-time academic members of HKU, with demonstrated expertise in the fields of comparative and/or public law who take an active interest in the work and activities of CCPL and whose work is aligned with the broader goals of the Centre. Fellows undertake research and partake in the activities of CCPL, typically incubating their research projects at the Centre before publishing their works or launching related knowledge exchange outputs.

The list of CCPL fellows is as follows:

Shahla Ali

Professor
Faculty of Law, HKU

Cora Chan

Associate Professor
Faculty of Law, HKU

Albert Chen

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

Benjamin Chen

Assistant Professor
Faculty of Law, HKU

James Fry

Associate Professor,
Faculty of Law, HKU

Fu Hualing

Dean & Warren Chan Professor in Human
Rights, Faculty of Law, HKU

Karen Kong

Senior Lecturer
Faculty of Law, HKU

Kelley Loper

Associate Professor
Faculty of Law, HKU

Vandana Rajwani

Senior Teaching Consultant
Faculty of Law, HKU

Haochen Sun

Associate Professor
Faculty of Law, HKU

Marcelo Thompson

Assistant Professor
Faculty of Law, HKU

Amanda Whitfort

Associate Professor
Faculty of Law, HKU

Young Researchers, Senior Research Assistants and Research Assistants

(in alphabetical order)

Abdullah Bin Azhar	Chen Bixni Cindy	Shan Weijing Jessica
Aaron Bradley Joseph	Cheng Yi Shin Alison	Siu Yau King Diana
Bu Chong	Koo Nga Leong John	Tsang Vanessa Sze Wai
Chan Hiu Nam	Leung Hoi Yan Holly	Tsui Sum Sum
Chan Jing Lin Stephanie	Leung Lok Hin Raphael	Wan Tsz Wah Trevor
Chandrasekhar Sakshi	Leung Pui Ching Janis	Yau Shun Ming Sean

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

Report Overview

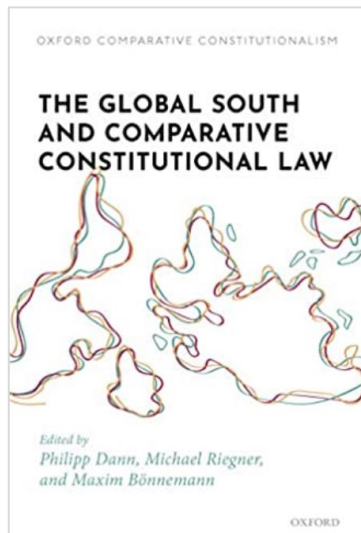
This report covers the period from **1 July 2021 to 30 June 2022**. Throughout the year, CCPL has aimed to align its activities with the University of Hong Kong's wider goal of the "3 I's + 1" – Internationalisation; Innovation; Interdisciplinarity; and Impact. In addition to holding academic events and activities, CCPL has engaged in wide-ranging knowledge exchange activities.

During the reporting period, CCPL hosted **a total of 16 academic events**. CCPL has had the fortune of being able to invite pioneering legal scholars to discuss their latest publications on a variety of topics, including comparative constitutionalism, animal cruelty, perspectives on global conflict, administrative law, professional practice etc. CCPL has also been able to respond to topical issues by hosting conferences relating to the topic of a post-pandemic world and roundtables discussing the resignation of non-permanent judges in Hong Kong in 2022. These online events provided a platform for leading scholars on public law and practitioners alike to introduce and discuss their latest ideas with a wide audience. All of these events are available for public viewing on CCPL's YouTube channel: <https://www.youtube.com/channel/UC26kPkyprcR5r8JGrNlt2sQ>.

CCPL's rich diversity of activities has supported a network of stakeholders, including legal practitioners, government officials, legislative council members, members of the judiciary, international visitors, Centre Fellows, and students, particularly in 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. CCPL has disseminated this knowledge in the form of scholarship, public lectures, and increasingly through other creative platforms such as case and treaty databases, interactive websites, a *YouTube* channel, and submissions to policy-making bodies. These resources have increased accessibility of information and the visibility of emerging issues, facilitated knowledge exchange, and empowered civil society organisations and other stakeholders to engage in productive dialogue with local, regional and international bodies.

The Centre has produced and supported rigorous, high quality research outputs published in academic and professional journals and books. CCPL's infrastructural support measures such as housing research grants, supporting Fellows and Visiting Fellows, and thematic lecture series for students, judges, legal practitioners and young scholars have all served as pivotal enablers to achieve CCPL's objectives. CCPL continues to attract local and international research funding, both for Centre-led projects as well as projects of Centre Fellows, which are housed in and administered through the Centre.

During the reporting period, CCPL has housed **11 research projects** funded by internal and external competitive grant schemes. CCPL was also commissioned to conduct contract research and develop training materials and workshops. The research projects have led to significant knowledge exchange activities and material as well as several new publications. These are detailed in Appendix I of this Report.

Academic Conferences and Seminars**2nd September 2021****Zoom Webinar Book Talk: The Global South and Comparative Constitutional Law (OUP, 2020) with contributors****Contributors***Prof Philipp Dann**Professor of Public and Comparative Law
Faculty of Law, Humboldt-Universität zu
Berlin**Dr Michael Riegner**Postdoctoral Researcher
Faculty of Law, Humboldt-Universität zu
Berlin**Dr Jedidiah Kroncke**Associate Professor
Faculty of Law, HKU**Prof Dinesha Samararatne**Senior Lecturer
Department of Public & International Law,
University of Colombo*

Prof Maartje de Visser

Associate Professor

School of Law, Singapore Management University

Prof Ntina Tzouvala

Senior Lecturer

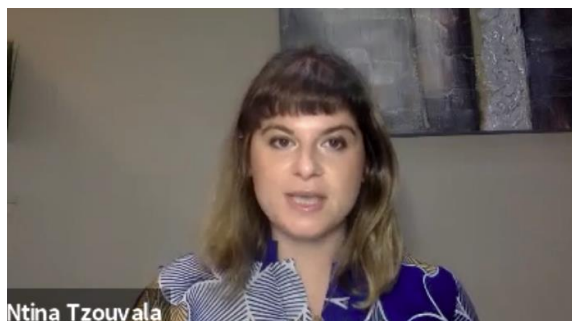
College of Law, Australian National University

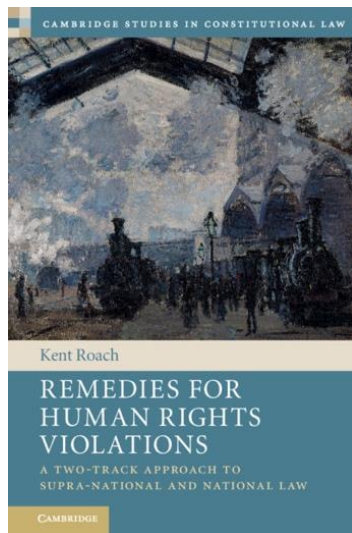
Prof Rehan Abeyratne

Associate Professor

Faculty of Law, Chinese University of Hong Kong

This volume makes a timely intervention into a field which is marked by a shift from unipolar to multipolar order and a pluralization of constitutional law. It addresses the theoretical and epistemic foundations of Southern constitutionalism and discusses its distinctive themes, such as transformative constitutionalism, inequality, access to justice, and authoritarian legality. This title has three goals. First, to pluralize the conversation around constitutional law. While most scholarship focuses on liberal forms of Western constitutions, this book attempts to take comparative law's promise to cover all major legal systems of the world seriously; second, to reflect critically on the epistemic framework and the distribution of epistemic powers in the scholarly community of comparative constitutional law; third, to reflect on - and where necessary, test - the notion of the Global South in comparative constitutional law. This book breaks down the theories, themes, and global picture of comparative constitutionalism in the Global South. What emerges is a rich tapestry of constitutional experiences that pluralizes comparative constitutional law as both a discipline and a field of knowledge.



16th September 2021**Zoom Webinar Book Talk: Remedies for Human Rights Violations: A Two-Track Approach To Supra-National And National Law (CUP, 2021) with the author – Kent Roach**Author*Prof Kent Roach**Professor of Law**Faculty of Law, University of Toronto*Chair*Ms Cora Chan**Associate Professor**Faculty of Law, HKU*Discussant*Prof Po Jen Yap**Professor and Director of CCPL**Faculty of Law, HKU*

An innovative book that provides fresh insights into the neglected field of remedies in both international and domestic human rights law. Providing an overarching two-track theory, it combines remedies to compensate and prevent irreparable harm to litigants with a more dialogic approach to systemic remedies. It breaks new ground by demonstrating how proportionality



principles can improve remedial decision-making and avoid reliance on either strong discretion or inflexible rules. It draws on the latest jurisprudence from the European and Inter-American Courts of Human Rights and domestic courts in Australia, Canada, India, New Zealand, Hong Kong, South Africa, the United Kingdom and the United States. Separate chapters are devoted to interim remedies, remedies for laws that violate human rights, damages, remedies in the criminal process, declarations and injunctions in institutional cases, remedies for violations of social and economic rights and remedies for violations of Indigenous rights.

23rd September 2021

Zoom Webinar – Empirical and Computational Research in UK Public Law

Speakers

Dr Mikołaj Barczentewicz

Associate Professor

School of Law, University of Surrey

- ‘Answering Legal Questions with AI: State of the Art and Future Research in UK Law’

Dr Rachel Cahill-O'Callaghan

Reader in Law

School of Law, Cardiff University

- ‘Disappearing Dissents: Concerns about Consensus’

Dr Alex Schwartz

Associate Professor and Deputy Director of CCPL

Faculty of Law, HKU

- ‘The Changing Concepts of the Constitution’



Mr Lewis Graham

*Research Fellow in Constitutional Law
Public Law Project, University of
Cambridge*

- ‘Does the UK Supreme Court care about underdogs?’

Chairs

Dr Brian Christopher Jones

Lecturer in Law

School of Law, University of Sheffield

Dr Eloise Ellis

Associate Professor in Law

School of Law, University of East Anglia

This webinar showcases new empirical and computational approaches to the study of UK public law. The panellists will discuss the use of AI to predict court decisions; how psychology can inform the empirical study of dissenting judicial opinions; machine learning methods for modelling semantic change in constitutional discourse; and statistical analysis for estimating ideological tendencies in judicial decisions.



8th October 2021**Zoom Webinar – New Empirical Study of
Typologies of Animal Cruelty in Hong
Kong**Speakers

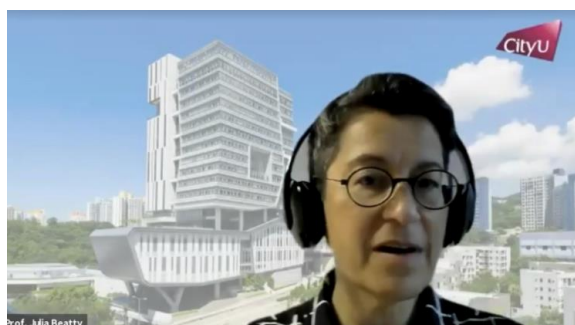
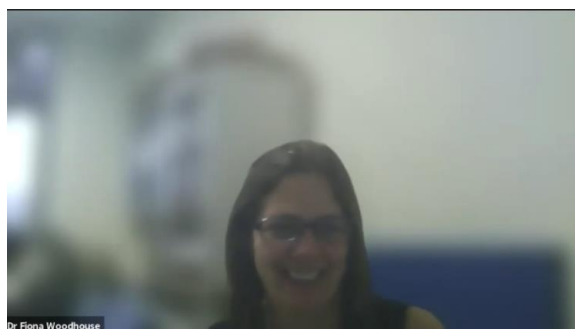
Ms Amanda Whitfort
Associate Professor
Faculty of Law, HKU

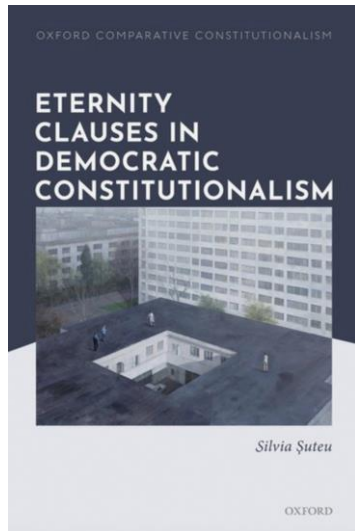
Dr Fiona Woodhouse
Deputy Director (Welfare) of the Society for
the Prevention of Cruelty to Animals (HK)

Chair

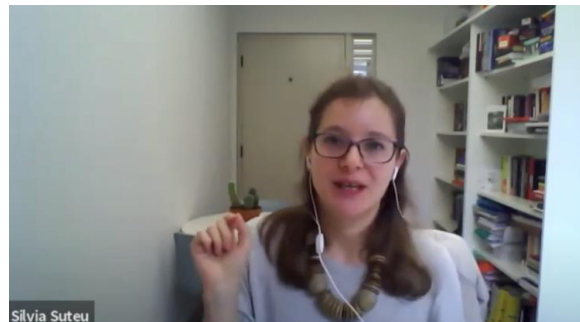
Prof Julia Beatty
Chair Professor of Veterinary Medicine
and Infectious Diseases
Department of Veterinary Clinical
Sciences, City University of Hong Kong

In September 2021, the findings of a study funded by the Policy Innovation and Co-ordination office of the HKSAR government were released. The study examined 335 animal cruelty cases detailed in the SPCA's investigation database from 2013 to 2019. The study found action is necessary to educate owners to voluntarily surrender animals they can no longer care for appropriately rather than place the animals' welfare at risk by abandoning them. To counter the risk to animals in unregulated shelters, there is an urgent need to introduce shelter licensing legislation in Hong Kong. Government policies prohibiting the keeping of dogs in public housing alongside historical dog population management strategies have also contributed to the problem of abandonment of dogs in Hong Kong. At this event, two of the study's authors will discuss the findings.

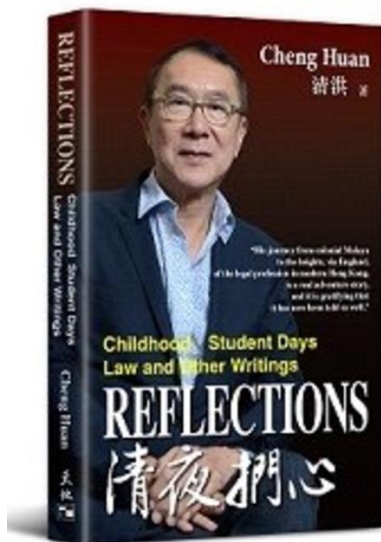


13th October 2021**Zoom Webinar Book Talk: Eternity
Clauses in Democratic Constitutionalism
(OUP, 2021) with the author – Silvia
Suteu****Author***Dr Silvia Suteu**Lecturer in Public Law**Faculty of Laws, University College
London***Chair***Dr Alex Schwartz**Associate Professor**and Deputy Director of CCPL**Faculty of Law, HKU*

This book analyses unamendability in democratic constitutionalism and engages critically and systematically with its perils, offering a much-needed corrective to existing understandings of this phenomenon. Whether formalized in the constitutional text or developed as part of judicial doctrines of implicit unamendability, eternity clauses raise fundamental questions about the core democratic commitments underpinning any given constitution.



The book takes seriously the democratic challenge eternity clauses pose and argues that this goes beyond the old tension between constitutionalism and democracy. Instead, eternity clauses reveal themselves to be a far more ambivalent constitutional mechanism, one with greater and more insidious potential for abuse than has been recognized. The 'dark side' of unamendability includes its propensity to insulate majoritarian, exclusionary, and internally incoherent values, as well as its sometimes purely pragmatic role in elite bargaining. The book adopts a contextual approach and brings to the fore a variety of case studies from non-traditional jurisdictions. These insights from the periphery illuminate the prospects of unamendability fulfilling its intended aims - protecting constitutional democracy foremost among them. With its promise most appealing in transitional, post-conflict, and fragile democracies, unamendability reveals itself, counterintuitively, to be both less potent and potentially more dangerous in precisely these contexts.

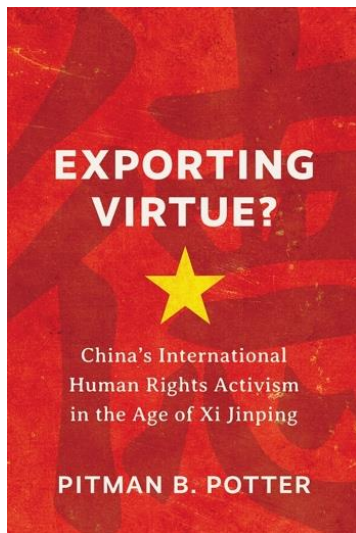
19th October 2021**Book Talk – REFLECTIONS Childhood, Student Days, Law and Other Writings with the author CHENG HUAN 清洪**Author*Mr Cheng Huan, QC, SC*Host*Prof Albert H.Y. Chen**Cheng Chan Lan Yue Professor in Constitutional Law
Faculty of Law, HKU*

In this new book, Cheng Huan reviews his early life: from childhood to student life and from examinations of legal studies in London to university life at Cambridge. He recalls a few cases that he dealt with as a Senior Counsel, such as plea bargains, bind-over orders, etc



28th October 2021

Zoom Webinar Book Talk:
EXPORTING VIRTUE?: China's
International Human Rights Activism in
the Age of Xi Jinping (UBC PRESS,
2021) with the author – Pitman B. Potter

Author

Prof Pitman B. Potter
Professor of Law Emeritus
Peter A. Allard School of Law
University of British Columbia

Chair

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

Discussants

Dr Jedidiah Kroncke
Associate Professor
Faculty of Law, HKU

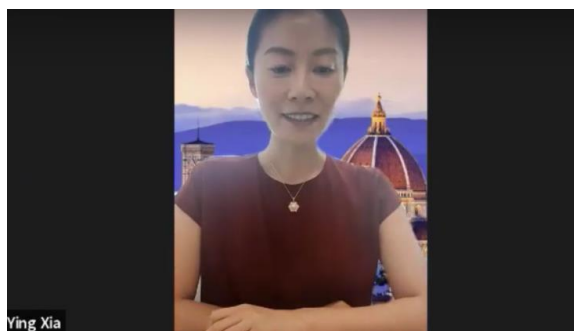
Dr Ying Xia
Assistant Professor
Faculty of Law, HKU

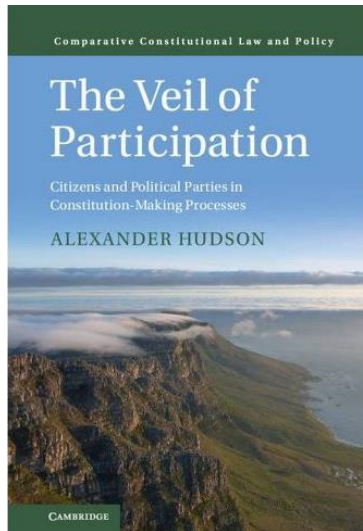


Under the leadership of President Xi Jinping, China has attempted to change international human rights values to accommodate its own interests, causing increasing friction with international standards of law and governance.

Exporting Virtue? examines human rights as an example of China's international assertiveness and considers the implications of internationalizing PRC human rights policy and practice. Pitman B. Potter suggests that in the absence of clear and enforceable global human rights standards, China uses its international influence to promote its human rights policies on global governance, freedom of expression, trade and investment policy, and labour and environmental regulation. The PRC's efforts to export its human rights principles and standards exemplify the rise of authoritarian governance models internationally. Couched in terms of virtue but manifested as authoritarianism, China's international human rights activism invites scholars and policy makers around the world to engage critically with the issue.

Drawing on both Chinese- and English-language sources, *Exporting Virtue?* investigates the challenges that China's human rights orthodoxy poses to international norms and institutions, offering normative and institutional analysis and providing suggestions for policy response.



16th November 2021**Zoom Webinar Book Talk: The Veil of Participation: Citizens and Political Parties in Constitution-making Processes (CUP, 2021)****Author**

Dr Alexander Hudson
Democracy Assessment Specialist
International IDEA - Institute for
Democracy and Electoral Assistance

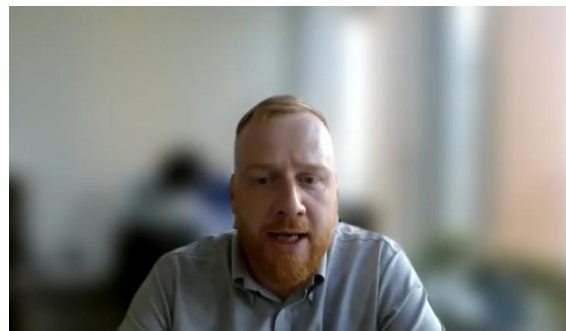
Chair

Prof Dinesha Samararatne
Senior Lecturer
Department of Public & International Law,
University of Colombo

Discussant

Dr Evan Rosevear
Global Academic Fellow
Faculty of Law, HKU

Public participation is a vital part of constitution-making processes around the world, but we know very little about the extent to which participation affects constitutional texts. In this book, Alexander Hudson offers a systematic measurement of the impact of public participation in three much-cited cases - Brazil, South Africa, and

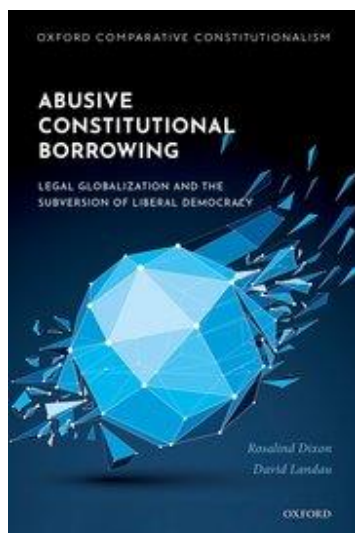


Iceland - and introduces a theory of party-mediated public participation. He argues that public participation has limited potential to affect the constitutional text but that the effectiveness of participation varies with the political context. Party strength is the key factor, as strong political parties are unlikely to incorporate public input, while weaker parties are comparatively more responsive to public input. This party-mediation thesis fundamentally challenges the contemporary consensus on the design of constitution-making processes and places new emphasis on the role of political parties.



17th January 2022

Zoom Webinar Book Talk: Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy (OUP, 2021) with the author – Rosalind Dixon & David Landau



Authors

Prof Rosalind Dixon

Professor of Law

Faculty of Law, University of New South Wales



Prof David Landau
Mason Ladd Professor and Associate Dean
for International Programs
College of Law, Florida State University

Discussant

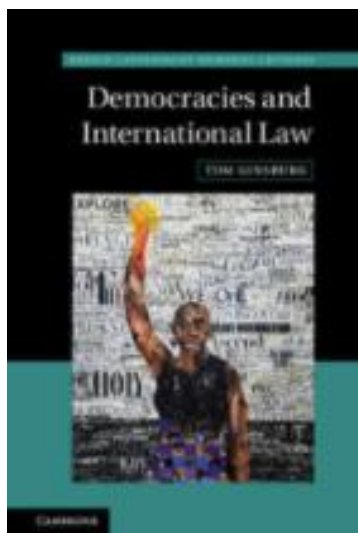
Prof Stephen Gardbaum
Stephen Yeazell Endowed Chair in Law
UCLA School of Law

Chair

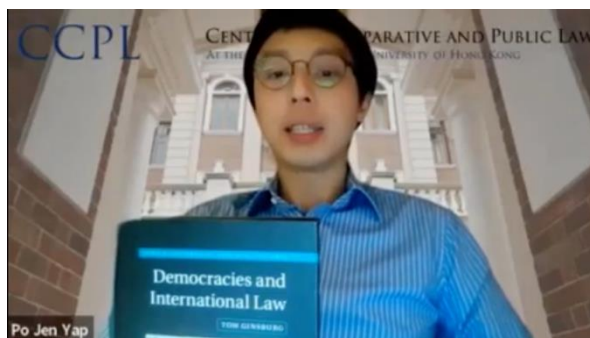
Prof Po Jen Yap
Professor and Director of CCPL
Faculty of Law, HKU

Law is fast globalizing as a field, and many lawyers, judges and political leaders are engaged in a process of comparative "borrowing". But this new form of legal globalization has dark sides: it is not just a source of inspiration for those seeking to strengthen and improve democratic institutions and policies. It is increasingly an inspiration - and legitimation device - for those seeking to erode democracy by stealth, under the guise of a form of faux liberal democratic cover. *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy* outlines this phenomenon, how it succeeds, and what we can do to prevent it. This book address current patterns of democratic retrenchment and explores its multiple variants and technologies, considering the role of legitimating ideologies that help support different modes of abusive constitutionalism.



25th January 2022**Zoom Webinar Book Talk: Democracies and International Law (CUP, 2021) with the author – Tom Ginsburg**Author*Prof Tom Ginsburg**Leo Spitz Professor of International Law**Ludwig and Hilde Wolf Research Scholar**Professor of Political Science**University of Chicago*Discussants*Prof Simon Chesterman**Dean and Provost's Chair Professor**Faculty of Law, National University of Singapore**Ms Kelley Loper**Associate Professor**Faculty of Law, HKU*Chair*Prof Po Jen Yap**Professor and Director of CCPL**Faculty of Law, HKU*

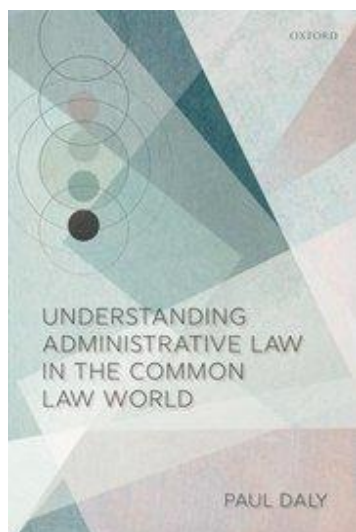
Democracies and authoritarian regimes have different approaches to international law, grounded in their different forms of government. As the balance of power between democracies and non-democracies shifts, it will have consequences for



international legal order. Human rights may face severe challenges in years ahead, but citizens of democratic countries may still benefit from international legal cooperation in other areas. Ranging across several continents, this volume surveys the state of democracy-enhancing international law, and provides ideas for a way forward in the face of rising authoritarianism.

28th March 2022

Zoom Webinar Book Talk:
Understanding Administrative Law in
the Common Law World (OUP, 2021)
with the author – Paul Daly



Author

Prof Paul Daly

Chair in Administrative Law &
Governance

Faculty of Law, University of Ottawa

Discussants

Ms Cora Chan

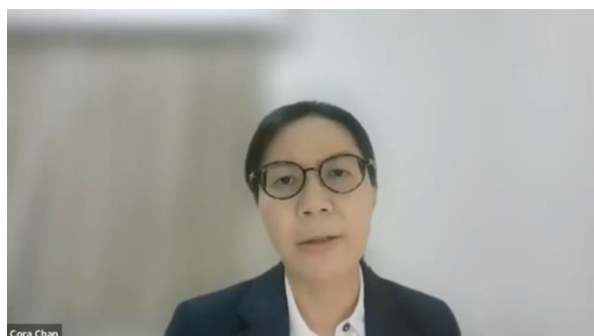
Associate Professor

Faculty of Law, HKU

Prof Jason N E Varuhas

Professor of Law

Faculty of Law, University of Melbourne



Chair*Mr Julius Yam**Assistant Professor**Faculty of Law, HKU*

Around the common law world, the law of judicial review of administrative action has changed dramatically in recent decades, accelerating a centuries-long process of incremental evolution. This book offers a fresh framework for understanding the core features of contemporary administrative law. Through comparative analysis of case law from Australia, Canada, England, Ireland, and New Zealand, the author develops an interpretive approach by reference to four values: individual self-realisation, good administration, electoral legitimacy, and decisional autonomy. The interaction of this plurality of values explains the structure of the vast field of judicial review of administrative action: institutional structures, procedural fairness, substantive review, remedies, restrictions on remedies, and the scope of judicial review. Addressing this wide array of subjects in detail, the book demonstrates how a pluralist approach, with the values being employed in a complementary and balanced fashion, can enhance our understanding of administrative law. Furthermore, such an approach can guide the future development of the law of judicial review of administrative action, a point illustrated by a careful analysis of the unsettled doctrinal area of legitimate expectation. The book closes by arguing that the author's values-based, pluralist framework supports the legitimacy of contemporary administrative law which, although sometimes called into question, facilitates the flourishing of individuals, of public administration, and of the liberal democratic system.



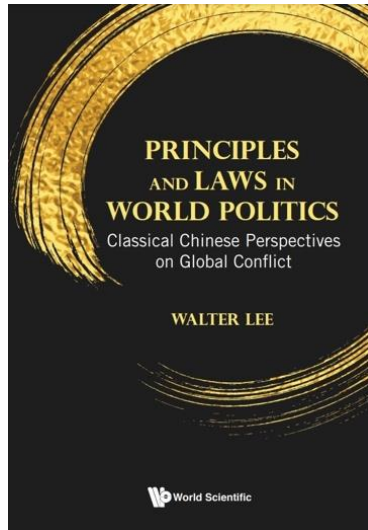
8th April 2022**CCPL Roundtable on Overseas Non-Permanent Judges in the Hong Kong Court of Final Appeal**Participants*Mr Victor Dawes SC**Chairman, Hong Kong Bar Association**Dr Anna Dziedzic**Postdoctoral Fellow, Laureate Program In
Comparative Constitutional Law,
Melbourne Law School**Mr Alan Hoo SC**Chairman, Basic Law Institute**Prof Po Jen Yap**Professor and Director of CCPL
Faculty of Law, HKU**Prof Simon NM Young**Professor and Associate Dean (Research)
Faculty of Law, HKU*Moderator*Prof Fu Hualing**Warren Chan Professor in Human Rights
and Responsibilities**Dean, Faculty of Law, HKU*

With Lord Robert Reed and Lord Patrick Hodge's recent resignations as non-permanent judges of the Hong Kong Court of Final Appeal, this roundtable will explore the implications of this development and offer insights on the future evolution of our overseas non-permanent judges system in Hong Kong.



28th April 2022

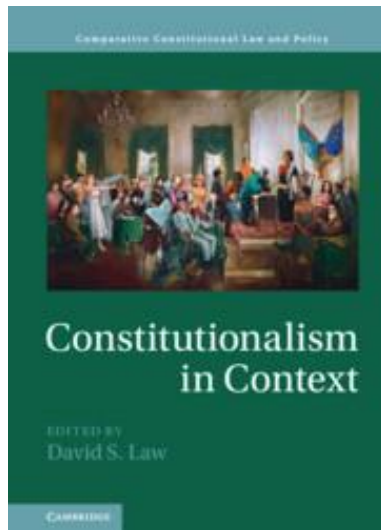
Zoom Webinar Book Talk: Principles and Laws in World Politics: Classical Chinese Perspectives on Global Conflict (World Scientific Publishing 2021) with the author – Walter Lee

**Author:***Prof Walter Lee**Assistant Professor**School of Arts and Social Sciences, Hong Kong Metropolitan University***Discussant:***Prof Daniel A Bell**Dean of the School of Political Science and Public Administration, Shandong University (Qingdao)***Chair:***Dr Zhu Han**Research Assistant Professor
Faculty of Law, HKU*

Thirty years after the end of the Cold War, global conflicts have been satisfactorily resolved neither by communism nor liberalism. Military intervention, however justified, has destabilised many societies, leaving justice undone. This book invites debates on the post-liberal imagination of “emancipated Leviathan”: an almighty



political authority which exercises awe and force to restore order, as well as enshrines globally-negotiated values of common conscience and reinvented cosmopolitanism. Human well-being will truly become reality when we synergise pre-modern and pre-liberal ways of thinking, worldviews, ethics, and aesthetic styles by means of cross-civilisational, cross-disciplinary fundamental research, and let an emancipated Leviathan exercises principles and laws of virtue derived from the study. The starting point of such intellectual innovation is China. This book explores the application of classical Chinese resources to the innovation of thoughts in contemporary Chinese international relations (IR). It examines whether “Knowledge Archaeology of Chinese International Relations” (KACIR), coined by the author, responds sensibly to today’s issues of international ethics and global justice. The book contends that emancipative hermeneutics holds the key to the Chinese soft power puzzle. A bottom-up, non-nationalistic, and non-ethnocentric approach to the Chinese civilisation will reinvent intellectual pluralism and cosmopolitan elements in the Chinese tradition that interact constructively with and ultimately transcend the liberal Western model.

11th May 2022**CCPL Zoom Webinar Book Talk:
Constitutionalism in Context (CUP,
2022) with the contributors**Contributors:*Prof David S Law**E. James Kelly, Jr., Class of 1965**Research Professor of Law**University of Virginia**Prof Albert Chen**Cheng Chan Lan Yue Professor and Chair
of Constitutional Law**Faculty of Law, HKU**Prof Mara Malagodi**Assistant Professor**Faculty of Law, Chinese University of
Hong Kong*

Asia often receives short shrift in the field of comparative constitutional law, but *Constitutionalism in Context* takes the opposite approach: it sets out to demonstrate that there is no better way to cover emerging and cutting-edge debates in the field than to study Asia. Albert Chen's chapter on China problematizes two concepts at the core of the field—namely, “constitution” and “constitutionalism.”



China's efforts to articulate a normatively appealing "constitutionalism with Chinese characteristics" raise the question of whether and how the field will expand and adapt to increasingly diverse real-world uses of constitutional law. David Law's chapter uses the case of Taiwan to explore new extremes in judicial power and judicial review: in striking down and even authoring constitutional amendments, Taiwan's Constitutional Court has redefined the limits of judicial power. Mara Malagodi's chapter highlights the deep tension in constitutional law between enshrinement of national identity and community values, on the one hand, and respect for global norms and international law, on the other, as demonstrated by Nepal's approach to questions of religious freedom and gender equality.

24th and 25th May 2022**Zoom Conference: COVID-19, Borders, and the Law****PANEL 1: Border Restrictions, Quarantine, and Human Rights Derogations**

- “A Human Rights-Based Approach to Stop a Pathogen at Borders”
 - *Martin Scheinin (European University Institute)*
- “Travel Restrictions and International Freedom of Movement”
 - *Fernando Dias Simões (Chinese University of Hong Kong)*
- “Lived Experience of Australia’s International and Domestic Covid-19 Border Closures”
 - *Kate Ogg (Australian National University) and Olivera Simic (Griffith University)*

Chair: *Po Jen Yap (HKU Law)***PANEL 2: Pandemic Treaties and Travel Restrictions: The Present and Future**

- “An Assessment of the Effectiveness of the International Health Regulations in the Response to Covid-19”
 - *Susan Breau (University of Victoria, Canada)*
- “Evolving Understandings of the Effectiveness of International Border Control Measures During the Covid-19 Pandemic”
 - *Karen Grépin (HKU School of Public Health)*
- “Digital Capacity and the Proposed International Pandemic Preparedness Treaty”
 - *Calvin Ho (HKU Law)*

Chair: *Eric Ip (HKU Law)*

**PANEL 3: Interdisciplinary Perspectives
on Pandemics and Border Control**

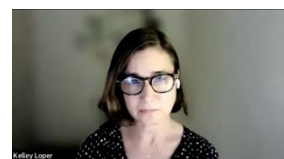
- “After Covid-19: States, Borders and the New Politics of Exclusion”
 - *Matthew Longo (Leiden University)*
- “Border Governance, Shadow Exchanges, and Biosecurity During Covid-19”
 - *Tak-Wing Ngo (University of Macau)*
- “Inbound Quarantine Regulations in Colonial Hong Kong”
 - *Christopher Szabla (HKU Law)*

Chair: *Michael Ng (HKU Law)*

**PANEL 4: The Impact of Covid-19 on
Migrants and Refugees**

- “Migration in the Mediterranean at the Time of the Pandemic”
 - *Sofia Galani (Panteion University, Greece)*
- “How Covid-19 Reinforced Existing Challenges to the Protection of Forced Migrants: Examples from South America”
 - *Liliana Jubilut (Universidade Católica de Santos, Brazil)*
- “Citizenship, the Exclusive State, and the Transboundary Pandemic: Covid-19 and Migrants in Southeast Asia”
 - *Sriprapha Petcharamesree (Mahibol University, Thailand)*

Chair: *Kelley Loper (HKU Law)*



22nd – 24th June 2022**Comparative Equality Law in a Post-Pandemic World: Berkeley Center on Comparative Equality & Anti-Discrimination Law 2022 Hong Kong Conference**

The conference focused on what the pandemic has revealed about the causes and nature of inequalities around the world. Calls to tackle deep-seated structural and intersectional discrimination have increased in recent years, but so has the backlash. In some places we see attempts to dismantle hard-won, progressive legal and policy change. In others, ongoing efforts to achieve reform have stalled.

With these realities in mind, the conference considered possibilities for crafting effective responses as we move forward in a vastly unequal post-pandemic world.

The conference featured 3 keynote presentations, 4 other plenary discussions, and 23 parallel workshops with 150+ experts from over 25 countries.

Keynote Speakers

- New Directions for Equality in a Post Covid World
 - *Jayna Kothari, Founder-Director, Centre for Law and Policy Research, Bangalore, India*
- Microverse, Mezzoverse, Macroverse: Protection against Discrimination in an Artificialized World?
 - *Vitit Muntarbhorn, Professor Emeritus, Faculty of Law, Chulalongkorn University, Bangkok, Thailand*

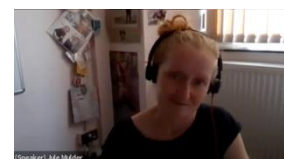
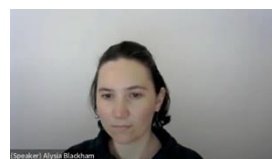


- From Disabled Justice to Disability Justice: the Practice of China
 - Zhang Wanhong, *Professor of Jurisprudence, Wuhan University School of Law, Wuhan, China*



Plenary Discussions

- Judicial Perspectives on Transforming Equality
 - Beverley McLachlin (*Former Chief Justice of the Canadian Supreme Court*)
 - Geoffrey Ma (*Former Chief Justice of the Hong Kong Court of Final Appeal*)
- Let's Get Equality Out of the Box!
 - Puja Kapai and Naina Kapur
 - Raihana Ataaee, Lilla Farkas Csilla, Paola Catricura Nancuvil, and Thenmozhi Soundararajan
- [Book Talk] Exponential Inequalities: Equality Law in Times of Crisis
 - Shreya Atrey and Sandra Fredman (eds)
 - Kelley Loper, Colm O'Cinneide, Beth Gaze, Alysia Blackham, and Jule Mulder



- Global Data on Anti-discrimination Laws in all 193 UN Countries: How Far Have We Come and Where are the Greatest Gaps
 - *Jody Heymann, Aleta Sprague and Willetta Waisath*



Publications

CCPL-affiliated scholars have consistently produced high-quality publications in the fields of comparative and public law. In this reporting period, these outputs include:

6th July 2021	<p>Prof Po Jen Yap, Director of CCPL and Mr Rehan Abeyratne, member of CCPL Board of Management, published an article “Judicial Self-Dealing and Unconstitutional Constitutional Amendments in South Asia” in <i>International Journal of Constitutional Law</i>.</p> <p>Courts around the world today are empowered to strike down unconstitutional constitutional amendments. But can a court strike down amendments that restore parts of the original constitution? The Appellate Division of the Bangladesh Supreme Court did precisely this in <i>Bangladesh v. Asaduzzaman Siddiqui</i> (2017), holding unconstitutional an amendment that restored the judicial removal provision that existed in the original 1972 Constitution. This article analyzes Siddiqui within the comparative constitutional amendment literature and the broader South Asian context. Despite the apparent incongruity of applying the basic structure doctrine to an original constitutional provision, we argue that Siddiqui is defensible on both theoretical and pragmatic grounds. The amendment that was invalidated in this case represented an unconstitutional departure from the judicial removal practice that had existed for several decades and was entrenched by a previous amendment, which “dismembered” the original constitution and safeguarded constitutional democracy in Bangladesh. At a regional level, Siddiqui is similar to recent judgments in India and Pakistan in which apex courts assert their control and limit political influence in judicial appointment and removal proceedings. Such judicial self-dealing, we argue, is more justified in Bangladesh and Pakistan than in India due to their checkered histories with democracy and political interference with judicial functions.</p>
8th July 2021	<p>Dr Anna Dziedzic, former Associate Director of CCPL, published a new blog post “The Making and Unmaking of a Constitutional Crisis in Samoa”.</p> <p>Politics in the Pacific island state of Samoa rarely attract international attention. Last week, however, Samoa grabbed global headlines as two leaders each claimed the Prime Ministership after a closely contested election. The constitutional issues surrounding this crises are complex and growing in number by the day. They concern dealing with a hung parliament, the powers and duties of various constitutional officials, the independence and administration of the judiciary, the representation and treatment of women in public office, and the question of whether it may be permissible to contravene constitutional provisions in order to uphold and maintain the constitutional system</p>

	of government. This post focuses on the last of these issues and how Samoa's courts, and potentially customary institutions, might be able to chart a path out of the constitutional crisis.
9th July 2021	<p>Prof Fu Hualing, member of CCPL Board of Management and CCPL Fellow, co-authored a book chapter "Protest, Law and Regime Type" in <i>Democracy and Rule of Law in China's Shadow</i> (Hart Publishing, 2021)</p> <p>Although political uproar in Hong Kong has been evident in recent months, 2013 and 2014 witnessed one of the most volatile moments in the recent history of the Greater China region. Large, lengthy and well-organised political protests swept mainland China, Hong Kong and Taiwan. The protests were unprecedented; each challenged the core of the respective political system. All have had significant impact on the political development in the respective societies. In 2013, Xu Zhiyong led his New Citizens Movement (NCM) into street action in different cities in China. In a spirit of freedom, public interest and love, NCM protesters, organised around dinner tables and coordinated via social media, demonstrated on the streets in small groups with home-made banners and cards to demand equal opportunities in education, freedom of the press and disclosure of assets of Party and state leaders.</p>
23rd July 2021	<p>Dr Shahla F. Ali, CCPL Fellow, published her new book <i>Forming Transnational Dispute Settlement Norms: Soft Law and the Role of UNCITRAL's Regional Centre for Asia and the Pacific</i> (Edward Elgar Publishing, 2021)</p> <p>This thought-provoking book examines whether regional centres associated with global legal institutions facilitate expanded citizen engagement in global soft law making. Through an analysis of empirical research into the role of decentralized soft law making in the East Asian region, it investigates the influence of such regional centres in overcoming representational deficits in the design of cross-border dispute settlement norms.</p>
27th August 2021	<p>Dr James Fry, CCPL Fellow, co-authored a new book <i>The Values of International Organizations</i> (Manchester University Press 2021)</p> <p>From the United Nations to the International Bureau of Weights and Measures, the principles of international organizations affect all of our lives. The principles these organizations live by represent, at least in part, the principles all of us live by. This book quantifies international organizations' affiliation with particular principles in their constitutions, like cooperation, peace and equality.</p> <p>Offering a sophisticated statistical and legal analysis of these principles, the authors reveal the values contained in international organizations' constitutions and their relationship with one another.</p>

	<p>When these organizations are divided into groups, like regional versus universal organizations, many new, seemingly contradictory, interpretations of international organizations law emerge. Through elaborate network representations, radar charts, k-clusters analyses and scatter plots, this book offers an unprecedented insight into the principles and values of international organizations.</p>
24th September 2021	<p>Dr Shahla F. Ali, CCPL Fellow, published a chapter “Transnational Commercial Law” in <i>The Oxford Handbook of Transnational Law</i> (OUP, 2021).</p> <p>Alongside a growing recognition that the traditional territorialist theory is limited in its ability to deal with intensifying cross-border dealings, a pluralistic converging of a multiplicity of legal orders (including domestic) to ensure the efficacy of cross-border commercial law is emerging. The future development of a transnational legal order will reflect the intensifying interactions between diverse norms, laws, actors and institutions – mirroring not necessarily the end of the nation state – but requiring a wider loyalty beyond nation state. To understand these dynamics, this chapter will explore developments in the field of transnational arbitration by examining the evolution of relevant substantive commercial laws and procedure, key forces including global soft law-making bodies, relevant actors including the nation state, arbitrators, parties and institutions, and relevant norms and governance processes influencing the continued evolution of transnational arbitration...</p>
26th September 2021	<p>Dr Zhu Han, member of CCPL Board of Management, published a chapter “Democratic Legitimacy vs. Rule of Law: A Comparative Study of Oath-Taking Controversies in Hong Kong and Taiwan” in <i>Democracy and Rule of Law in China’s Shadow</i> (Hart Publishing, 2021).</p> <p>Five hundred years ago, the subjects of the Spanish Kingdom of Aragon swore the oath of allegiance to their king: “We who are as good as you swear to you who are no better than we, to accept you as our king and sovereign lord, provided you observe all our liberties and laws; but if not, not.” In Hong Kong and Taiwan today, the ancient tradition of oath-taking still give rise to heated disputes surrounding the issues of national identity and regime legitimacy. This book chapter traces the series of events surrounding oath-taking disputes in Hong Kong and Taiwan. It considers the differences in relevant laws and judicial decisions in the two regions, and analyses the factors contributing to the contrast. Underlying the oath-taking controversies is the question, closely related to the right to self-determination/secession, of whether and how a constitutional and legal system can accommodate activities and claims opposing the very foundation upon which the existing constitutional framework operates. Responses from the authorities aimed at tackling the oath-</p>

	<p>taking issue may range from political negotiation to forceful suppression, which largely reveals the degree of authoritarian or democratic inclinations of a regime. This comparative study demonstrates that the way in which the oath-taking disputes have been handled in Hong Kong has exacerbated the inherent tension between democratic legitimacy and legality in this city.</p>
29th September 2021	<p>Prof Albert Chen, member of CCPL Board of Management and CCPL Fellow, wrote the Preface titled “A ‘Post-National Security Law Era’ Narrative for Hong Kong” of a recent publication: <i>Hong Kong in China—Rethinking the Hong Kong–Mainland Relationship</i> (in Chinese) (CityU Press, 2021).</p>
19th October 2021	<p>Ms Kelley Loper, CCPL Fellow, co-authored an article “Legal Capacity, the Disability Convention, and Domestic Law Reform” in <i>The Journal of Comparative Law</i>.</p> <p>Although widely ratified, the Convention on the Rights of Persons with Disabilities (CRPD) has proven challenging for governments to implement. This article focusses on the right to legal capacity, which is protected by Article 12. According to the UN Committee on the Rights of Persons with Disabilities (CRPD Committee), Article 12 requires governments to abolish all forms of substitute decision-making and provide, instead, mechanisms of supported decision-making for those who need assistance implementing decisions that reflect their own will and preferences. Rather than try to meet that standard, it appears that many governments are choosing not to engage in the process of reforming laws governing adult guardianship, compulsory treatment, and detention on the ground of disability. Hong Kong provides an excellent example of such a jurisdiction. Although bound by the CRPD since 2008, the government has not implemented Article 12 and largely ignored the issue in its 2018 report to the CRPD Committee. Meanwhile, the problems in Hong Kong’s legal framework have become critical. This is partly because the political unrest of 2019 and the crackdown by Beijing in 2020-21 have contributed to a mental health crisis in the territory. Fortunately, the CRPD Committee has requested more detailed information on the right to legal capacity for its upcoming review of Hong Kong. It is, therefore, an ideal time to consider what Hong Kong and other jurisdictions can do to better meet their obligations. This article recognises that the right to legal capacity is a contentious area of law and policy and that it is unrealistic to expect governments to immediately abolish all forms of substitute decision-making. We therefore propose an alternative theoretical framework for interpreting Article 12, one that we hope will promote law reform. Although our approach differs from that taken by the CRPD Committee, it is consistent with the holistic approach to rights that is the hallmark of the CRPD and with the doctrines of interpretation for human rights treaties.</p>

23rd October 2021	<p>Dr Christopher Szabla, member of CCPL Board of Management, published an article “Entrenching Hierarchies in the Global Periphery: Migration, Development and the ‘Native’ in ILO Legal Reform Efforts” in <i>Melbourne Journal of International Law</i>.</p> <p>This article examines the historical imbrication of international law and institutions with both migration and development. Specifically, it examines legal initiatives of the interwar International Labour Organization (‘ILO’) that focused on migration in what is now known as the Global South — and their aftermath. The Treaty of Versailles created the ILO as an institution related to the League of Nations in part to ‘protect ... workers ... in countries other than their own’ and invested it with other, more implicit powers related to migration. In subsequent years, the ILO’s mandate to oversee migration and promote new migrant rights expanded. Yet such expanding oversight intersected with another feature of the interwar ILO: respecting — and thereby entrenching in international law and governance — existing hierarchies forged by colonial relationships or mentalities in regions beyond Europe. The Organization’s efforts did shift some state behaviour towards respecting migrants’ rights. Nonetheless, in providing largely African ‘native’ migrants fewer or different protections than those available for European migrants and in encouraging domestic legal reform to accommodate the needs of European settlers migrating to Latin America over those of locals — each done in order to promote different forms of ‘development’ — the institution enshrined and in some ways redoubled hierarchical divisions between Europeans and natives. Its actions, moreover, demonstrate the deep roots of — and lessons for — today’s impoverished international migration law, forms of international development premised on international institutional control and the legal understanding of ‘indigenous peoples’. This analysis therefore not only produces further evidence of the colonial entanglements of international law and institutions but also demonstrates unexplored links between the genealogies of migration, development and international law, as well as implications for rethinking their contemporary forms and their relationship with the Global South today.</p>
30th October 2021	<p>Prof Simon Young, member of CCPL Board of Management and CCPL Fellow, published an article “Money Laundering in International Law” in <i>Oxford Bibliographies</i>.</p> <p>The international law of money laundering is found in several United Nations (UN) crime suppression treaties, United Nations Security Council (UNSC) resolutions, and a body of soft law, some of which arguably has crystallized as customary norms. Beginning with the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention), states agreed to establish anti-money laundering (AML) measures in their domestic law for drug-related offenses. This was followed by AML measures</p>

	<p>against organized crime and corruption, respectively, in the 2000 UN Convention against Transnational Organized Crime (Palermo Convention), including its protocols and the 2003 UN Convention against Corruption (Merida Convention). The AML measures include the criminalization of money laundering, powers to freeze and confiscate the proceeds of crime, duties of the private sector to generate financial intelligence, the establishment of financial intelligence units (FIUs), and formal legal cooperation arrangements between states, necessary given the transnational dimension of money laundering. While AML originally covered only property derived from crime, its measures were extended to property used to finance or carry out crimes, most notably for terrorist acts and the proliferation of weapons of mass destruction. Though countries concluded a treaty against terrorist financing in 1999, it was not until after the events of 11 September 2001 that anti-terrorism financing norms, as part of the panoply of AML measures, were diffused around the world by UNSC resolutions. International bodies, including the United Nations Office on Drugs and Crime (UNODC), have prepared model laws to assist countries to incorporate AML measures. The Financial Action Task Force (FATF), established in 1989 by the G7 industrialized nations, is the most important and influential body in setting detailed international standards on AML. Through replication of its norms and functions by regional bodies, the FATF's soft law of AML measures has hardened into near universal domestic AML laws, adopted to signify the integrity of a country's financial systems. European nations extensively adopted AML measures by treaties and directives, sometimes going beyond FATF recommendations. As AML measures have grown in number and global significance, critical literature has grown, questioning their effectiveness, whether their benefits outweigh their costs, and whether they are justified from the standpoint of principles of criminal liability and human rights law.</p>
10th November 2021	<p>Prof Simon Young, member of CCPL Board of Management and CCPL Fellow, published an article "The Decision of the National People's Congress on Improving the Election System of the Hong Kong Special Administrative Region" in <i>International Legal Materials</i>.</p> <p>In 2021, Hong Kong's electoral system underwent its most significant reform since the People's Republic of China (PRC) resumed the exercise of sovereignty over Hong Kong on July 1, 1997. By a decision adopted on March 11, 2021 to "improve the electoral system of the Hong Kong Special Administrative Region and develop a democratic system suited to the actual situation of the Hong Kong Special Administrative Region" (HKSAR), the National People's Congress (NPC) decided to amend the methods of selecting the Chief Executive of the HKSAR and forming the Legislative Council of the HKSAR (LegCo). The existing Election Committee would be reformed and given a pivotal role in the elections of the Chief Executive and LegCo members. A new candidate qualification review</p>

	<p>committee would be established to qualify all candidates. The Standing Committee of the National People's Congress (NPCSC) was empowered to amend the first two annexes of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Basic Law), which specify the methods for selecting the Chief Executive and forming the LegCo. The HKSAR would amend local election laws to implement the reforms and organize future elections in accordance with the law. The Chief Executive would submit timely reports to the Central People's Government. The NPC Decision was adopted with 2,895 votes in favor and one abstention.</p>
<p>9th December 2021</p>	<p>Prof Po Jen Yap, Director of CCPL, co-authored a new book <i>Constitutional Convergence in East Asia</i> (Cambridge University Press 2021)</p> <p>This comparative study of the constitutional jurisprudence of three East Asian jurisdictions investigates how the rulings of the Constitutional Court of Taiwan, the Constitutional Court of Korea and the Hong Kong Court of Final Appeal have converged. The unique political contexts of all three jurisdictions have led to strong courts using the structured proportionality doctrine and innovative constitutional remedies to address human rights issues. Hong Kong, Taiwan, and South Korea have the only courts in Asia that regularly use a structured four-stage Proportionality Analysis to invalidate laws, and routinely apply innovative constitutional remedies such as Suspension Orders and Remedial Interpretation to rectify constitutionally flawed legislation. This volume explores how judges in these areas are affected by politics within their different constitutional systems. The latest developments in Asian constitutional law are covered, with detailed analysis of key cases.</p> <ul style="list-style-type: none"> • Explains why and how the apex courts in Hong Kong, Taiwan and South Korea have converged on constitutional law • Enhances understanding of how politics shape judicial behaviour • Identifies and analyses the key constitutional case-law in Hong Kong, Taiwan and South Korea
<p>5th January 2022</p>	<p>Ms Kelley Loper, CCPL Fellow, co-authored a research report "A Study on a Potential Model for Accreditation and Regulation of Interpreters and Translators in Ethnic Minority Languages in Hong Kong" commissioned by EOC</p> <p>Principal Investigator: Dr Eva Ng Co-Investigators: Dr Janny Leung & Ms Kelley Loper Published in December 2021 Executive Summary (excerpt): The Equal Opportunities Commission (EOC) commissioned a research team from The University of Hong Kong (HKU) to conduct a project titled "A Study on a Potential Model for Accreditation and Regulation of Interpreters and Translators in Ethnic Minority Languages in Hong Kong". This project primarily aims to explore the possibility of establishing an accreditation and regulation</p>

	<p>system for interpreters and translators (I/Ts) working in ethnic minority (EM) languages and how such a system should be implemented. The current research project commenced in December 2018 with the following specific objectives:</p> <ul style="list-style-type: none"> (a) To provide a statistical profile of practising I/Ts in EM languages for public services, including, but not limited to, community support services, medical services and legal services; (b) To review overseas experiences in establishing an accreditation and regulation system, with particular focuses on major obstacles encountered and solutions adopted; (c) To identify options for a standardised accreditation mechanism for I/Ts in EM languages with reference to the current practice, overseas experiences and major stakeholders' views; (d) To examine potential regulation models, including, but not limited to, voluntary registration and licensing, with reference to the current practice, overseas experience and major stakeholders' views; (e) To provide options for a regulatory body with its functions, powers and accountability delineated; (f) To explore prospective pathways to introduce an accreditation and regulation system; and potential training needs for interpreters and translators to meet the requirements. <p>The research team reviewed representative overseas accreditation and regulation models. It also conducted online surveys and focus group interviews with stakeholders, including EM language I/Ts in Hong Kong, users and operators of translation and interpreting (T&I) services in EM languages, to collect their views on the establishment of an accreditation and regulation system.</p>
5th January 2022	<p>Ms Kelley Loper, CCPL Fellow, co-authored an article “Legal Capacity and the UN Disabilities Convention: An Alternative Framework to Promote Law Reform in Hong Kong and Beyond” in <i>The Journal of Comparative Law</i>.</p> <p>Although widely ratified, the Convention on the Rights of Persons with Disabilities (CRPD) has proven challenging for governments to implement. This article focusses on the right to legal capacity, which is protected by Article 12. According to the UN Committee on the Rights of Persons with Disabilities (CRPD Committee), Article 12 requires governments to abolish all forms of substitute decision-making and provide, instead, mechanisms of supported decision-</p>

	<p>making for those who need assistance implementing decisions that reflect their own will and preferences. Rather than try to meet that standard, it appears that many governments are choosing not to engage in the process of reforming laws governing adult guardianship, compulsory treatment, and detention on the ground of disability. Hong Kong provides an excellent example of such a jurisdiction. Although bound by the CRPD since 2008, the government has not implemented Article 12 and largely ignored the issue in its 2018 report to the CRPD Committee. Meanwhile, the problems in Hong Kong's legal framework have become critical. This is partly because the political unrest of 2019 and the crackdown by Beijing in 2020-21 have contributed to a mental health crisis in the territory. Fortunately, the CRPD Committee has requested more detailed information on the right to legal capacity for its upcoming review of Hong Kong. It is, therefore, an ideal time to consider what Hong Kong and other jurisdictions can do to better meet their obligations. This article recognises that the right to legal capacity is a contentious area of law and policy and that it is unrealistic to expect governments to immediately abolish all forms of substitute decision-making. We therefore propose an alternative theoretical framework for interpreting Article 12, one that we hope will promote law reform. Although our approach differs from that taken by the CRPD Committee, it is consistent with the holistic approach to rights that is the hallmark of the CRPD and with the doctrines of interpretation for human rights treaties.</p>
9th January 2022	<p>Prof Simon Young, member of CCPL Board of Management and CCPL Fellow, served again as the General Editor for a new book <i>Archbold Hong Kong 2022</i> (Sweet and Maxwell, 2021).</p>
26th January 2022	<p>Dr Christopher Szabla, member of CCPL Board of Management, published a chapter "Reimagining Global Migration Governance: From Insufficient Ideas to South-South Solutions" in <i>The Berkeley Journal of International Law</i>.</p> <p>The disarray produced by the "global migration crisis" has resulted in a number of ongoing and proposed reforms of global migration governance, defined as the international law and institutions concerned with all migration. Yet these reforms or proposals appear insufficient or ineffectual—especially to the extent that they often ignore political realities. Fulfilling the promise of global migration governance requires an architecture that instead materially addresses political difficulties. This Article reviews problems with the current and proposed models of global migration governance and proposes to ground reform in consideration of those realities, using a successful model that promoted and protected European emigration in the Twentieth Century. Today, a similar system could help achieve ambitions within the Global South to promote South-South migration among disadvantaged States. Such a model could shift the material incentives (and hence, politics) holding back openness toward</p>

	<p>migrants, help fulfill migrants' rights or needs, and promote the fair distribution of migrants toward existing migrant destinations. It could also redress the historical injustices of earlier migration governance systems that advantaged Europeans.</p>
10th February 2022	<p>Prof Simon Young, member of CCPL Board of Management and CCPL Fellow, published a new blog post "Select List of Covid Restriction Offences in Hong Kong".</p> <p>This blog post aims to help persons in Hong Kong navigate the various Covid-19 restrictions and offences imposed under the law. It lists of premises in Hong Kong specified for compulsory testing (Centre for Health Protection). As from 24 February 2022, the Chief Secretary for Administration has a power to grant an exemption in writing from any requirement under any enactment for purposes of preventing, protecting against, delaying or otherwise controlling the incidence or transmission of COVID-19 or treating patients with COVID-19.</p>
8th March 2022	<p>Prof Albert Chen, member of CCPL Board of Management and CCPL Fellow, published a book chapter "Constitutions and Constitutionalism: China" in <i>Constitutionalism in Context</i> (CUP, 2022).</p> <p>The ideas and practices of constitutions and constitutionalism were first imported into China in the late 19th century. There were three eras of constitution-making in modern Chinese history: the last decade of Qing imperial rule, the republican era, and the communist era. Dr Sun Yat-sen, founding father of the Republic of China (RoC), developed a three-stage theory of China's political development in which the last stage was to be constitutionalism (xianzheng). Although this was realized in theory when the RoC Constitution of 1946 was enacted, the Constitution became largely suspended as the RoC regime moved to Taiwan and introduced martial law after its defeat by the Communists in the Chinese Civil War. The People's Republic of China (PRC) was established in the Mainland, which witnessed a new era of constitution-making under the Soviet Union's influence. However, even today, the discussion of "constitutionalism" (xianzheng) is still discouraged by the PRC regime, although the concepts of the (socialist) Rule of Law and human rights have been affirmed by constitutional amendments. This chapter will review and assess the history of constitution-making in modern China and the discourse of constitutional law scholarship in contemporary China, and it will explore how the case of China both illuminates and challenges conventional understandings of the meaning and significance of constitutions and constitutionalism in the contemporary world.</p>
8th March 2022	<p>Ms Cora Chan, member of CCPL Board of Management and CCPL Fellow, published a book chapter "Subnational Constitutionalism: Hong Kong" in <i>Constitutionalism in Context</i> (CUP, 2022).</p>

	<p>This chapter uses Hong Kong to illustrate the unique constitutional law challenges facing subnational jurisdictions, including that of dividing competences between the subnational and national authorities, of finding a mutually agreeable conflict resolution mechanism and of defining the place of the subnational constitution within the national constitutional order. As the only liberal, common law jurisdiction within a socialist party-state in the world, Hong Kong's two decades of experience with China's "one country, two systems" governing model illustrates how fraught the challenges facing a subnational constitution could be. Yet further reflection upon how Hong Kong can preserve its liberal constitutionalist status suggests creative solutions to those challenges.</p>
14th March 2022	<p>Prof Fu Hualing, member of CCPL Board of Management and CCPL Fellow, co-authored an article "Judging the Party: Public Law Wrongs and Private Law Remedies" in <i>The Chinese Journal of Comparative Law</i>.</p> <p>This article offers a case study of civil litigation in which the decision of a Party organ or the application of Party rules in a decision have allegedly infringed the private law rights of individuals. Party organs have always performed civil activities and engaged with a wide range of civil legal relations affecting the rights and interests of various individuals and entities, resulting in occasional legal disputes between a Party organ and the aggrieved individuals or entities. After failing to challenge a Party organ's decision within the political system, the affected member brings a case to court to challenge the validity of the decision. In the court process, legal rules are used primarily to deal with issues involving insignificant players in employment disputes with Party organs. For matters involving the Party's own officials and those matters regarded as internal, legal rules are largely limited, if not dispensed with entirely, confirming the prerogative state's superior position in the hierarchy above the normative state. Freedom of contract is more relevant and recognized for claims by individuals at the lower end of the political ecosystem, while politics is reserved for the elites of society and for issues where the Party is determined to maintain direct, hands-on control.</p>
24th March 2022	<p>Prof Fu Hualing, member of CCPL Board of Management and CCPL Fellow, co-authored an article "Of Judge Quota and Judicial Autonomy: An Enduring Professionalization Project in China" in <i>The China Quarterly</i>.</p> <p>This article presents the findings of original research on "judge quota" reform. The reform's agenda was essentially aimed at professionalization: by edging out a given percentage of judges, only the better qualified judges would be re-appointed to create a more</p>

	<p>professionalized judiciary. A key component of the reform was to reduce the level and the intensity of both political and bureaucratic control over judges in adjudication and to decentralize judicial power to the rank-and-file judges, restoring individualized judging while enhancing judicial accountability. This article critically examines the potential and limits of the judge quota reform in the context of incremental legal reform in a party-state.</p>
24th May 2022	<p>Ms Amanda Whitfort, CCPL Fellow, co-authored the Report on Exotic Pet Trade in Hong Kong: Wild, Threatened, Farmed: Hong Kong's Invisible Pets.</p> <p>A report released this week by local NGO ADM Capital Foundation, co-authored by Assoc Prof Amanda Whitfort focuses on the exotic pet trade in Hong Kong. The report highlights the lack of transparency in the trade, the need for updated regulations to better control smuggling of live endangered species for rare animal collectors, the unsuitability of many exotic species to be kept as pets and the negative effects on conservation and animal welfare when exotic pets are intentionally or accidentally released into local ecosystems.</p> <p>“Hong Kong’s lack of a positive list of acceptable exotic pets and failure to look behind imports of large numbers of animals from suspicious source countries, which should set off alarms for law enforcement agencies, encourages the importation of smuggled animals for the pet trade and is sending species that are at serious risk of extinction more quickly towards that fate” said Whitfort. “Our current policies and laws undermine the objectives of the UN Convention on Biological Diversity” she added.</p> <p>Whitfort called on government to</p> <ul style="list-style-type: none"> • improve oversight of wild animal trading licences, removing opportunities for laundering of smuggled animals • impose possession licence requirements on all private owners of endangered species • introduce a positive list of acceptable pets that can be imported into and possessed in Hong Kong • prohibit mercy release of animals and the businesses that support the practice within the Territory • improve regulation of the pet trade to protect animal and public health. <p>The press report had input from the SPCA (Hong Kong), the Kadoorie Farm and Botanical Garden, WWF (HK), local academics working on wild animal trade and private vets working with exotic pets.</p>
29th May 2022	<p>Dr Christopher Szabla, member of CCPL Board of Management, published an article “A New Foundation for Freedom of Movement in an Age of Sovereign Control: The Liberal Jurisprudence of August Wilhelm Heffter” in <i>Law and History Review</i>.</p> <p>This article addresses how a once influential jurist addressed a potential paradox in liberal thought—between democratic control over borders and transnational rights—as it arose in the mid-</p>

	<p>nineteenth-century, amid advocacy against authoritarianism and for free trade and movement, on the one hand, and the increasing calling into question of natural law theories that may have best facilitated free movement, on the other. While scholarship has increasingly shown how the boundaries between periods of natural law and positivist hegemony are difficult to distinguish, specific tensions in the mid-nineteenth-century called for an approach that preserved free movement in light of the growing appeal of empiricism and state sovereignty. In this context, August Wilhelm Heffter proposed that states were bound by higher law as a consequence of their free decision to enter international communities: these communities' purpose, he wrote, bred customary laws facilitating interstate interaction. Heffter's approximation of "natural" law in a more positivist context and his use of the period's "customary" logic helps account for his influence not only in periods of free trade and movement's ascendancy but also the survival of forms of his thought into periods of sovereigntist reaction against them. It therefore holds potential to address what scholarship has termed today's "liberal paradox" between democracy and migration better than approaches that emphasize a more complete return to natural law.</p>
31st May 2022	<p>Prof Simon Young, member of CCPL Board of Management and CCPL Fellow, led a HKU research team to publish a report "The Use of Digital Evidence in Prosecutions in Asia" with INTERPOL.</p> <p>Executive Summary</p> <p>Digital evidence has become an essential element of criminal investigations and prosecutions for all types of crimes. This research report by The University of Hong Kong, commissioned by the International Criminal Police Organisation, is a study of the laws governing the use of digital evidence in criminal cases in nine beneficiary countries in Asia, namely the People's Republic of Bangladesh, the Kingdom of Bhutan, Brunei Darussalam, the Kingdom of Cambodia, the Republic of Maldives, Mongolia, the Federal Democratic Republic of Nepal, the Democratic Socialist Republic of Sri Lanka, and the Socialist Republic of Vietnam. The report also studies the existing legal arrangements that enable these countries to request and obtain digital evidence from abroad in cross-border cases.</p> <p>All nine countries are members of the Asia/Pacific Group on Money Laundering, five are members of the South Asian Association for Regional Cooperation (SAARC), four are members of The Commonwealth, and three are members of the Association of Southeast Asian Nations (ASEAN). Six of the countries have mixed common law legal systems, while the other three have civil law systems. The evidence laws of four of the mixed common law jurisdictions are based on or influenced by the Indian Evidence Act of 1872.</p>

	<p>This study has found that the laws and practices in all nine countries generally favour the admissibility and use of digital evidence in criminal cases. No instance was found of a court rejecting digital evidence merely on the grounds that the evidence was in a digital form...</p>
24th June 2022	<p>Dr Haochen Sun, Fellow of CCPL, published a book “Technology and the Public Interest” (CUP, 2022).</p> <p>In this groundbreaking work, Haochen Sun analyzes the ethical crisis unfolding at the intersection of technology and the public interest. He examines technology companies’ growing power and their increasing disregard for the public good. To tackle this asymmetry of power and responsibility, he argues that we must reexamine the nature and scope of the right to technology and dynamically protect it as a human right under international law, a collective right under domestic civil rights law, and potentially a fundamental right under domestic constitutional law. He also develops the concept of fundamental corporate responsibility requiring technology companies to compensate users for their contributions, assume an active role responsibility in upholding the public interest, and counter injustices caused by technological developments.</p>

Media Presence

Scholars associated 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

- “‘Liberate Hong Kong’ slogan ‘very risky’, scholars, experts warn after ruling”, South China Morning Post, 29 July 2021, at <https://www.scmp.com/news/hong-kong/law-and-crime/article/3142869/national-security-law-scholars-law-experts-warn>
- “‘Is 9 years’ jail for Hong Kong security crimes a needed deterrent or too harsh?’” South China Morning Post, 31 July 2021, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3143268/too-harsh-or-suitably-deterring-legal-experts-disagree>
- “‘Wrong to think delay to Hong Kong sanctions law is Beijing U-turn, analysts say’”, South China Morning Post, 20 August 2021, at <https://www.scmp.com/news/hong-kong/politics/article/3145849/do-not-mistake-delay-anti-sanctions-law-hong-kong-climbdown>
- “‘Hardline Beijing loyalist named to Hong Kong’s Basic Law Committee’”, South China Morning Post, 25 August 2021, at <https://www.scmp.com/news/hong-kong/politics/article/3145807/university-hong-kong-chairman-arthur-li-honoured-be-named>
- “‘Lam points to educators, officials for youth ‘failing to grasp’ Hong Kong constitution’”, South China Morning Post, 25 November 2021, at <https://www.scmp.com/news/hong-kong/education/article/3157407/hong-kong-leader-carrie-lam-lays-blame-partly-teachers>
- “‘8 out of 10 remaining foreign judges at Hong Kong’s highest court to stay on’”, South China Morning Post, 31 March 2022, at <https://www.scmp.com/news/hong-kong/politics/article/3172534/hong-kong-leader-accuses-britain-meddling-judicial>
- “‘Legal experts ask officials to promote merits of Hong Kong’s system in UK’”, South China Morning Post, 1 April 2022, at <https://www.scmp.com/news/hong-kong/politics/article/3172822/hong-kong-legal-experts-urge-officials-raise-concerns-over>
- “‘Hong Kong chief executive hopeful calls finance industry double-edged weapon’”, South China Morning Post, 14 April 2022, at <https://www.scmp.com/news/hong-kong/politics/article/3174303/hong-kong-chief-executive-election-2022-john-lee-calls>
- “‘Beijing gave John Lee green light for new deputy roles before plan was public’”, South China Morning Post, 19 May 2022, at <https://www.scmp.com/news/hong-kong/politics/article/3178268/john-lee-sets-tone-incoming-hong-kong-administration>

- “Hong Kong’s leading role in the global extinction crisis, as hub of illegal wildlife trade, and the legal amendment that could change that”, South China Morning Post, 23 April 2021, at <https://www.scmp.com/lifestyle/article/3130438/hong-kongs-leading-role-global-extinction-crisis-hub-illegal-wildlife>
- “5 Hong Kong Basic Law rulings that showed Beijing had final say”, South China Morning Post, 22 June 2022, at <https://www.scmp.com/news/hong-kong/politics/article/3182540/unpacking-hong-kongs-laws-25-years-after-handover-5-rulings>

Amanda Whitfort

- “Which animals are most likely to be abused in Hong Kong?”, South China Morning Post, 23 September 2021, at <https://www.scmp.com/lifestyle/article/3149654/animal-abuse-hong-kong-street-dogs-most-likely-be-victims-and-suspects>
- “Wild, threatened, farmed: Hong Kong’s Invisible Pets”, a report by the ADM Capital Foundation”, Macau Business, 18 May 2022, at <https://www.macaubusiness.com/wild-threatened-farmed-hong-kongs-invisible-pets-a-report-by-the-adm-capital-foundation/>

Fu Hualing

- “4 HKU students expected to be charged with advocating terrorism”, South China Morning Post, 18 August 2021, at <https://www.scmp.com/news/hong-kong/law-and-crime/article/3145413/national-security-law-least-3-university-hong-kong>
- “Bangladesh ranks 124th in World Justice Project’s Rule of Law Index”, The Daily Star, 28 October 2021, at <https://www.thedailystar.net/law-our-rights/news/bangladesh-ranks-124th-world-justice-projects-rule-law-index-2208576>
- “Police watchdog chief set to head University of Hong Kong governing council”, South China Morning Post, 24 November 2021, at <https://www.scmp.com/news/hong-kong/education/article/3157245/priscilla-wong-police-watchdog-chief-set-head-governing>

Marcelo Thompson

- “Hong Kong’s next gen Masters of Laws courses”, South China Morning Post, 17 January 2022, at <https://www.scmp.com/special-reports/article/3163079/hong-kongs-masters-laws-programmes-focus-emerging-areas-litigation>

Simon Young

- “National security law: can supporters of legal defence fund for Hong Kong protesters be prosecuted for donations? It depends, legal experts say”, South China Morning Post, 2 September 2021, at <https://www.scmp.com/news/hong-kong>

[kong/politics/article/3147369/national-security-law-can-donors-fund-hong-kong-protesters](https://www.scmp.com/news/hong-kong/politics/article/3147369/national-security-law-can-donors-fund-hong-kong-protesters)

- “Davis Polk Asia Head Withdraws from Speaking at Hong Kong Event Promoting China’s National Security Law”, ALM LAW.COM International, May 23 2022, at <https://www.law.com/international-edition/2022/05/23/davis-polk-withdraws-from-speaking-at-hong-kong-event-promoting-chinas-national-security-law/?slreturn=20220613131445>
- “Law and Politics: Damned If You Do, Damned If You Don’t”, ALM LAW.COM International, May 25 2022, at <https://www.law.com/international-edition/2022/05/25/law-and-politics-damned-if-you-do-damned-if-you-dont/>
- “National security law: can Hongkongers still hold June 4 commemorative events marking anniversary of Tiananmen Square crackdown?”, 25 May 2022, at <https://www.scmp.com/news/hong-kong/politics/article/3179023/national-security-law-can-hongkongers-still-hold-june-4>
- “Unpacking Hong Kong’s laws, 25 years after handover: 5 rulings on Basic Law where Beijing, not the city’s courts, had final say in key cases”, South China Morning Post, 22 January 2022, at <https://www.scmp.com/news/hong-kong/politics/article/3182540/unpacking-hong-kongs-laws-25-years-after-handover-5-rulings>
- “Weighing up Hong Kong’s legal system 25 years after handover: making sure the law still rules”, South China Morning Post, 24 June 2022, at <https://www.scmp.com/news/hong-kong/law-and-crime/article/3182803/weighing-hong-kongs-legal-system-25-years-after>

Upcoming Events

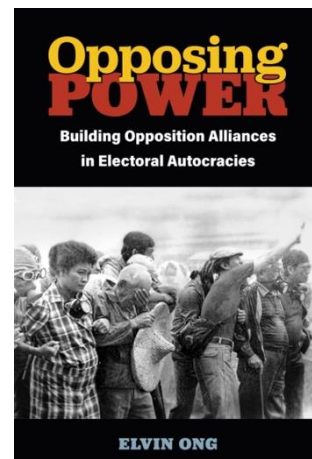
6th September 2022

Zoom Webinar Book Talk: Opposing Power: Building Opposition Alliances in Electoral Autocracies (Weiser Center for Emerging Democracies) (University of Michigan Press, 2022)

Author

*Prof Elvin Ong, Assistant Professor of Political Science,
Faculty of Law, National University of Singapore*

Opposing Power argues that perceptions of regime vulnerability and mutual dependency by opposition elites shape the building of opposition alliances. When electoral autocracies are consistently dominant, opposition parties eschew fully fledged alliances. At best, they allocate only one candidate to contest against the incumbent in each subnational electoral district to avoid splitting the opposition vote. However, when multiple regime-debilitating events strike within a short period of time, thus pushing an incumbent to the precipice of power, opposition elites expect victory, accepting costly compromises to build alliances and seize power. *Opposing Power* shows how oppositions build these alliances through case study comparisons in East and Southeast Asia—between the Philippines and South Korea in the late 1980s, and between Malaysia and Singapore from 1965 to 2020.



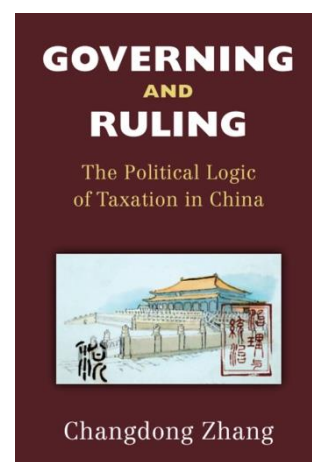
16th September 2022

Zoom Webinar Book Talk: Governing and Ruling: The Political Logic of Taxation in China (China Understandings Today) (University of Michigan Press, 2021)

Author

*Prof Zhang Changdong
Professor of Political Science
Peking University*

Rapid social economic changes, the transition from a planned economy to a market economy, or even economic liberalization can lead to political instability and the collapse of authoritarian regimes. Despite experiencing all of these unprecedented changes in the past forty years, China under the Chinese Communist Party's leadership has so far



successfully transformed and improved both its governance capacity and its ruling capacity. *Governing and Ruling* addresses this regime resilience puzzle by examining the political logic of its taxation system, especially the ways in which taxation helps China handle three governance problems: maneuvering social control, improving agent discipline, and eliciting cooperation. Changdong Zhang argues that a taxation system plays an important role in sustaining authoritarian rule, in China and elsewhere, by combining co-optation and repression functions. The book collects valuable firsthand and secondhand data; studies China's taxation system, intergovernmental fiscal relationships, composition of fiscal revenue sources, and tax administration; and discusses how each dimension influences the three governance problems.

27th October 2022

Zoom Webinar Book Talk: Political Censorship in British Hong Kong: Freedom of Expression and the Law (1842–1997) (CUP 2022)

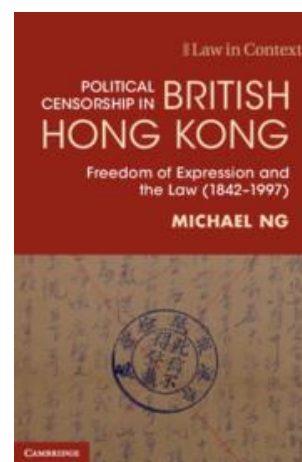
Author

Dr Michael Ng

Associate Professor

Faculty of Law, HKU

Drawing on archival materials, Michael Ng challenges the widely accepted narrative that freedom of expression in Hong Kong is a legacy of British rule of law. Demonstrating that the media and schools were pervasively censored for much of the colonial period and only liberated at a very late stage of British rule, this book complicates our understanding of how Hong Kong came to be a city that championed free speech by the late 1990s. With extensive use of primary sources, the free press, freedom of speech and judicial independence are all revealed to be products of Britain's China strategy. Ng shows that, from the nineteenth to the twentieth century, Hong Kong's legal history was deeply affected by China's relations with world powers. Demonstrating that Hong Kong's freedoms drifted along waves of change in global politics, this book offers a new perspective on the British legal regime in Hong Kong.



APPENDIX I

Projects housed within CCPL

(July 2021 – June 2022)

Title of Project	Investigator(s)
Constitutional governance in "Greater China" and the Unfinished Project of Chinese Constitutionalism	Albert Chen
Clinical Legal Education: Community Legal Empowerment	Lindsay Ernst
Stronger Together: Establishing Professional Practices that Encourage and Support Sustainable, Strategic, International and Collaborative Interdisciplinary Partnerships	Lindsay Ernst
Outstanding Teaching Award (Team Award)	Lindsay Ernst
Child Impact Assessment in Hong Kong: Opportunities and Entry Points	Puja Kapai
Gender Initiatives for WSR Works	Puja Kapai
Courts and Democracies in Asia	Po Jen Yap
An Empirical Study of Money Laundering Offending in Hong Kong	Simon Young
INTERPOL-HKU eEvidence Study and Training Project	Simon Young
Research Matching Grant - Student Research Assistants	Simon Young
Asia-Pacific Journal on Human Rights and the Law	Simon Young and Kelley Loper

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