

# ANNUAL REPORT

July 2023 - June 2024

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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

### **Sida Liu**

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

### **Ying Xia**

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

### **Stefano Osella**

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

### **Cora Chan**

Professor  
Faculty of Law  
The University of Hong Kong

### **Albert Chen**

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

### **Benjamin Chen**

Associate Professor  
Faculty of Law  
The University of Hong Kong

### **Hualing Fu**

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

### **Anna Wu**

Honorary Professor  
Faculty of Law  
The University of Hong Kong

### **Po Jen Yap**

Professor  
Faculty of Law  
The University of Hong Kong

### **Simon NM Young**

Associate Dean (Research) and Ian Davies  
Professor in Ethics  
Faculty of Law  
The University of Hong Kong

### **Han Zhu**

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 Kelley Loper** Kelley Loper is a professor at the University of Denver Sturm College of Law and the director of the Ved Nanda Center for International and Comparative Law. She also sits on the advisory board of the Berkeley Center on Comparative Equality and Anti-Discrimination Law and the international advisory board of the Centre for Comparative and Public Law (CCPL) at the University of Hong Kong. Before joining the Sturm College of Law in February 2024, she was an associate professor and the director of the LLM in Human Rights Programme in the Faculty of Law at the University of Hong Kong. She also served as the director of the Centre for Comparative and Public Law from 2017-2019 and was co-editor-in-chief of the *Asia-Pacific Journal on Human Rights and the Law* from 2012-2024.

Her scholarship centers on the implementation of international human rights law in domestic contexts, especially Hong Kong, mainland China, and other Asian jurisdictions. She has published

on several related topics including: human rights and refugee protection in Asia, the rights to education and legal capacity in the Convention on the Rights of Persons with Disabilities, sexual orientation and gender identity discrimination, dignity as a constitutional value, and gender constitutionalism. She has taught courses on international human rights law, comparative equality law, international refugee law, the national protection of human rights, and human rights research methods.

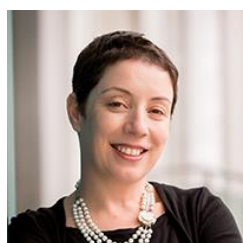
In addition to her academic work, she has also served on the boards of the Hong Kong Dignity Institute, the Hong Kong Refugee Advice Centre (as past chairperson), Justice Centre Hong Kong, and Amnesty International (Hong Kong). She has advised various other organizations including the UN High Commissioner for Refugees, UN Women, and Hong Kong Human Rights Monitor on a range of issues and has made submissions before the UN Committee on the Elimination of Racial Discrimination.



**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 Sida Liu** is the Director of CCPL and Professor at the University of Hong Kong Faculty of Law with a courtesy appointment in the Department of Sociology. His research interests include sociology of law, Chinese law and society, criminal justice and human rights, law and globalization, and sociolegal theory. Professor Liu has conducted extensive empirical research on various aspects of China's legal reform and legal professions. In addition to his empirical work, he also writes on theories of law, professions, and social spaces. He is the author of four books in Chinese and English and has published many articles in leading law reviews and social science journals. Professor Liu holds external courtesy appointments as Faculty Fellow at the American Bar Foundation, Affiliated Scholar of the U.S.-Asia Law Institute at New York University School of Law, Faculty Affiliate of the Center on the Legal Profession at Harvard Law School, and Vice President of the China Institute for Socio-Legal Studies at Shanghai Jiao Tong University. He received his LLB from Peking University Law School and his PhD in sociology from the University of Chicago.



**Dr Ying Xia** is the Deputy Director of CCPL and Assistant Professor at the Faculty of Law. 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.



**Dr Stefano Osella** is the Deputy Director of CCPL and Assistant Professor at the Faculty of Law. He is a comparative public lawyer with interests in socio-legal theory, law and anthropology, human (particularly socio-economic) rights, and gender and the law. His primary focus is on the ways gender identity and sexual orientation are embedded in constitutional law, and he has recently started researching the concept of care within constitutional law. He has published extensively on these topics, and his articles have appeared in top-tier journals such as the International Journal of Constitutional Law and the German Law Journal, among others. Stefano is currently working on a monograph about the different forms of gender recognition in Europe. He serves as the Chair of the Committee for Community and Engagement of the International Society of Public Law and holds the position of Associate Editor for the International Journal of Constitutional Law. Stefano obtained his LLB and MA in law at the University of Turin, Italy, and continued his education at the University of Oxford and the European University Institute, where he obtained his doctorate in comparative law.





**Max Hsu** is the Secretary of CCPL. He manages the administration of CCPL in respect of all its activities, events and projects. He 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. His 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.



**Sean Yau** is a Senior Research Assistant at the CCPL. He received his LLB (Hons) from HKU, and obtained graduate degrees and certificates from the Hebrew University of Jerusalem, Leiden University, and Oxford University. He is also a licenced solicitor in Hong Kong and worked in the Department of Justice. Sean's main responsibilities as Senior RA are to assist the CCPL with its research projects and events.



**Bifan Zhao** is a Student Research Officer of the CCPL. He is currently a Ph.D. student at the Faculty of Law, the University of Hong Kong (HKU). Prior to conducting his doctoral research at HKU, he obtained an LL.B. degree (major in Sociology, minor in Jurisprudence) at Fudan University and a Juris Master degree (Computational Law track) at Tsinghua University. His research interests lie in law & society, empirical legal studies, and computational law.

## 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**

Professor  
Faculty of Law, HKU

**Albert Chen**

Cheng Chan Lan Yue Professor and  
Chair of Constitutional Law  
Faculty of Law, HKU

**Benjamin Chen**

Associate Professor  
Faculty of Law, HKU

**Jiahui Duan**

Global Academic Fellow  
Faculty of Law, HKU

**Cynthia Farid**

Global Academic Fellow  
Faculty of Law, HKU

**James Fry**

Associate Professor  
Faculty of Law, HKU

**Hualing Fu**

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

**Valeria Vázquez Guevara**

Global Academic Fellow  
Faculty of Law, HKU

**Massimo Lando**

Assistant Professor  
Faculty of Law, HKU

**Sida Liu**

Professor  
Faculty of Law, HKU

**Stefano Osella**

Assistant Professor  
Faculty of Law, HKU

**Edward Lui**

Assistant Professor  
Faculty of Law, HKU

**Simon Young**

Associate Dean (Research) and Ian Davies  
Professor In Ethics  
Faculty of Law, HKU

**Haochen Sun**

Professor

Faculty of Law, HKU

**Ying Xia**

Assistant Professor

Faculty of Law, HKU

**Han Zhu**

Research Assistant Professor

Faculty of Law, HKU

**Po Jen Yap**

Professor

Faculty of Law, HKU

**Amanda Whitfort**

Associate Professor

Faculty of Law, HKU

## Young Researchers, Senior Research Assistants and Research Assistants

(in alphabetical order)

Chan Ho Yin Daniel  
Chan Jing Lin Stephanie  
Chan Kei Fung Edward  
Chan Tsz Yau Cordelia  
Cheung Mei Fung Phyllis  
Gauri Bharti  
Heung Pak Ki Patrick  
Tam Ching Hin Anfield  
Tshomo Sherpa  
Wang Justin Chun Ho  
Wong Tsz Shing Oscar  
Xue Fanfei Rachel  
Yau Shun Ming Sean  
Zhao Bifan

## Report Overview

This report covers the period from **1 July 2023 to 30 June 2024**. Throughout the year, CCPL has aimed to align its activities with the University of Hong Kong's wider goals of 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 31 academic events**. These events provided a platform for leading scholars on public law and practitioners alike to introduce and discuss their latest ideas with a wide audience. Most 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.

## Academic Conferences and Seminars

2023

**26th and 27th August**

**[In-person Event] Conference on Hong Kong Bilingual Legal System: Retrospect and Prospect**

- The Conference on 'Hong Kong Bilingual Legal System: Retrospect and Prospect' is organised by the Faculty of Law of the University of Hong Kong, and is the first major international academic conference to focus on legal language of Hong Kong. The Conference aims to provide a platform for experts and legal practitioners from home and abroad to present their research and practical views, as well as to provide networking opportunities. In addition to the presentation sessions, workshops will be held on a variety of topics, covering both theoretical and practical aspects. As the Official Languages Ordinance is approaching its 50th anniversary, this Conference will review the challenges and opportunities of legal language of Hong Kong, and provide new ideas and directions to guide the further development of Hong Kong's bilingual legal system.

**3rd October**

**[Hybrid Event] Human Rights – the Pacific Island (Pasifika) way**

- Speaker: Ana Tuiketēi (2023 AsiaGlobal Fellow)
- Discussant: Petra Butler (Professor, Victoria University of Wellington; Director, Institute of Small and Micro States)
- Chair: Kelley Loper (Associate Professor and Director, LL.M in Human Rights Programme, Faculty of Law, The University of Hong Kong)
- The 'Pacific Islands' are 14 islands in the Pacific Ocean roughly between Hong Kong and New Zealand. They include some of the most ethnically and culturally diverse places on earth. Culture and custom sit alongside human rights and civil society, the legislature, the executive and the courts have strived to find a place for custom in the human rights discourse. Participants at this seminar will discuss aspects of this discourse and explore a particular project that will highlight the place of custom within the Pasifika human rights framework

**10th October**

**[Hybrid Event] The Filipino Human Rights Story**

- Speaker: Maria Victoria Sardillo (2023 AsiaGlobal Fellow)
- Chair: Kelley Loper (Associate Professor and Director, LL.M in Human Rights Programme, Faculty of Law, The University of Hong Kong)
- Over thirty-six years ago, the Philippines set in motion a series of demonstrations which eventually led to the overthrow of the dictatorial regime of former President Ferdinand E Marcos. Hoping to avoid a repeat of the human rights abuses during the Martial Law years, the Philippines drafted and adopted a new Constitution — the 1987 Constitution.

More than three decades later, how is the Philippines doing? Has it preserved the lessons of the Martial Law years?



**16th October**

**[In-person Event] Can Criminal Law be Personalized? Reflections on Artificial Intelligence and Criminal Liability]**

- Speaker: Hamish Stewart (Professor, Faculty of Law, The University of Toronto)
- Chair: Simon Young (Professor, Faculty of Law, The University of Hong Kong)
- Will artificial intelligence (AI) replace law as we know it? Some have argued that AI will eliminate all uncertainty about the application of legal rules and will therefore be able to produce “micro-directives”, commands that will be perfectly tailored and instantly communicated to any legal subject in any situation. Micro-directives, it is suggested, will eliminate the characteristic legal problem of applying general norms to particular fact situations will vanish. So far, however, the literature has provided relatively little discussion of the interaction between micro-directives and criminal liability. The purpose of this paper is to investigate some of those possible interactions. In particular, should failure to comply with a micro-directive be punishable conduct (put another way, does violation of a micro-directive call for a micro-sanction)? Or, on the other hand, should reliance on a micro-directive immunize a person’s conduct from punishment? Can micro-directives help in the application (ex ante or ex post) of traditional criminal law doctrines, such as the law of homicide? I anticipate that my conclusions will be skeptical.

**2nd November**

**[Hybrid Event] Human Rights from the bottom-up in Uzbekistan**

- Speaker: Dilfuza Kurolova (2023 AsiaGlobal Fellow)
- Chair: Kelley Loper (Associate Professor and Director, LL.M in Human Rights Programme, Faculty of Law, The University of Hong Kong)
- Located at the heart of Central Asia, Uzbekistan has followed a long path of legal, political, and human rights development and change. Uzbekistan was known for its strict regulation over civic engagement from the bottom-up after its independence in 1991, until a major political shift in 2016 that embarked the country on a new journey.

Today, Uzbekistan is one of the champions of change within the region, especially in the field of human rights and civil society development, and became the 5th country in CIS-Caucasus which criminalised domestic violence in April 2023. In spite of that, human rights activists and defenders still face challenges with limited opportunity to make real impact. This seminar will explore how small steps at the bottom can impact change at the top.

**6th November**

**CCPL Public Lecture: LGB Human Rights in Europe, Taiwan, and Hong Kong: Developments Since 2020**

- Speaker: Robert Wintemute (Professor of Human Rights Law, King’s College London)
- Chair: Kelley Loper (Associate Professor and Director, LL.M in Human Rights Programme, Faculty of Law, The University of Hong Kong)
- Since the 1981 judgment of the European Court of Human Rights in *Dudgeon v. United Kingdom*, the Court has developed a body of case law requiring equal treatment of lesbian, gay and bisexual (LGB) individuals and same-sex couples in the criminal law, in access to employment, education, housing and services, and in family law. 20 of 46

Council of Europe member states (43%) now provide equal access to marriage to same-sex couples, 65% (30 of 46 member states) now offer same-sex couples “a legal framework” for their relationships. This trend reached Taiwan in 2019 and same-sex couples began to marry for the first time in Asia.

What legal reforms are required to achieve equality for LGB individuals and same-sex couples in Hong Kong? Which could be granted by the Hong Kong legislature, and which are more likely to be granted by the Hong Kong courts, in light of Q.T. (same-sex partner immigration), Leung Chun Kwong (limited recognition of New Zealand marriage), Ng Hon Lam Edgar (limited recognition of UK marriage), and Sham Tsz Kit (no right to marry but the Hong Kong Government has a positive obligation “to establish an alternative framework for legal recognition of same-sex partnerships”)?

## 8th November

### [In-person Event] Sham Tsz Kit v. Secretary for Justice: A New Chapter for Same-Sex Couples in Hong Kong

- Panel 1: A View from Legal Practice
  - Chair: Kelley Loper (The University of Hong Kong)
  - Azan Marwah (Barrister, Pantheon Chambers)
  - Jerome Yau (Co-Founder, Hong Kong Marriage Equality)
  - Nicholas Hemens (Consultant, Haldanes)
  - Suen Yiu Tung (The Chinese University of Hong Kong)
  - Mark Daly (Partner, Daly & Associates)
- Panel 2: Theoretical, Constitutional, and Comparative Questions
  - Chair: Stefano Osella (The University of Hong Kong)
  - Po Jen Yap (The University of Hong Kong)
  - Kelley Loper (The University of Hong Kong)
  - Robert Wintemute (King's College London)
  - Cora Chan (The University of Hong Kong)
- On 5th September 2023, the Court of Final Appeal (CFA) reached a decision in the case of Sham Tsz Kit v. Secretary for Justice (STK), addressing the rights of same-sex couples. The CFA ruled that the relationships of gay men and lesbians must be recognised under the law, and required the government provide a legal framework for the protection of same-sex couples within two years. Concurrently, the CFA established the neutrality of the Basic Law with regard to same-sex marriage, which is neither mandated nor prohibited by the HKSAR "mini-constitution". This judgement has been immediately recognised as a landmark achievement for the LGBTQI+ community and a further step in the case law of Hong Kong courts towards a more equal society.

This seminar is dedicated to discussing the STK decision and will be comprised of two sessions: the morning panel brings together legal practitioners and community activists who will operate the new system when it is introduced, those who have been involved in the challenges to the previous system, as well as those who have been helping people affected by the current system. In the afternoon, local and international academics will explore the doctrinal, socio-legal, and comparative aspects of the decision.

## 9th November

### [In-person Event] The Return of Interference in Sovereign Affairs and International Law

- Speaker: Frédéric Mégret (Professor and Hans & Tamar Oppenheimer Chair in Public International Law, Faculty of Law, McGill University; Co-director, the Centre for Human Rights and Legal Pluralism)
- Chair: Kuzi Charamba (Postdoctoral Fellow, Faculty of Law, The University of Hong Kong)
- Interference in sovereign affairs was for a long time a leading motif in Third World approaches to international law. Following the end of the Cold War, the debate has witnessed significant mutations. Interference is all encompassing and hard to pin down; it proceeds through a range of decentralized and private actors; few issues are still seen as inherently domestic; and disruption rather than coercion seem involved. Is the notion still helpfully understood as a corollary of sovereignty? What exactly is it meant to protect? How might one reinvest it with meaning without letting the fight against undue interference be worse than the problem it seeks to solve?

## 10th November

### [In-person Event] Economic Development Models and Democratic Backsliding in East Asia

- Speaker: John Ohnesorge (George Young Bascom Professor of Business Law, University of Wisconsin Law School; Director, East Asian Legal Studies Centre, University of Wisconsin Law School)
- Chair: Sida Liu (Professor of Law and Sociology, Faculty of Law, The University of Hong Kong; Director, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong)
- This project explores ways in which the development pathways followed by Korea and Taiwan prior to democratization have affected their ability to maintain the democracies they have achieved. Contrasts are drawn with the development experiences of countries and regions that have experienced democratic backsliding, and possible implications for current development policies are suggested.

## 20th November

### [In-person Event] Not So Powerless: How Chinese Criminal Defense Lawyers Encourage Judge-Prosecutor Disagreement

- Speaker: Yue Hou (Associate Professor, Division of Social Science, The Hong Kong University of Science and Technology)
- Chair: Sida Liu (Professor of Law and Sociology, Faculty of Law, The University of Hong Kong; Director, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong)
- In authoritarian regimes, courts are often seen as tools of the autocrats, while lawyers are perceived as powerless. We challenge these assumptions by examining the role of criminal defense lawyers in China. Analyzing an original database of drug cases in Chinese criminal courts from 2014 to 2018, we find that the presence of criminal defense lawyers significantly increases the likelihood of judges rejecting prosecutors' arguments by 3.6 times and deviating from recommended sentences by 2 times. These findings suggest that legal representation has a notable impact on judicial decisions in relatively less politically sensitive cases and that lawyers can encourage judge-prosecutor

disagreement. Using original interviews, detailed readings of lawyers' effective arguments and structural topic modeling, we demonstrate that the quality of legal representation is crucial in understanding lawyers' effectiveness in influencing court decisions. These results contribute to our understanding of authoritarian politics, showcasing how non-state agents such as lawyers can exert influence within state institutions.

(This is joint work with Jieun Kim at NYU-Shanghai)

## 8th December

### [Zoom Webinar] The Reconstruction of the Relationship Between Legislation and Judiciary in the System of Criminal Law 刑法體系中立法與司法的關係重構

- Speaker: Lao Dongyan (Professor of Law, Tsinghua University)
- Chair: Sida Liu (Professor of Law and Sociology, Faculty of Law, The University of Hong Kong; Director, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong)

## 11th December

### CCPL Seminar: “One Country, Two Systems” in the Hong Kong SAR in the National Security Law era

- Speakers:
  - David R. Meyer (Emertius Professor of Sociology & Urban Studies, Brown University)
  - Albert Chen (Cheng Chan Lan Yue Professor & Chair of Constitutional Law, Faculty of Law, The University of Hong Kong)
  - Po Jen Yap (Professor, Faculty of Law, The University of Hong Kong)
- Chair: Hualing Fu (Warren Chan Professor in Human Rights and Responsibilities & Dean, Faculty of Law, The University of Hong Kong)
- There has been considerable negative reaction in the Western world to the introduction of the National Security Law in Hong Kong in 2020. Some critics even suggested that “One country, two systems” has come to an end in Hong Kong. In this seminar, the speakers will discuss the past, present and future of “One country, two systems” in Hong Kong with reference to their latest research. Professor Meyer will talk about his book project on the impact of the National Security Law and China's latest Hong Kong policy on Hong Kong as an international financial centre. Professors Albert Chen and Po Jen Yap will present some aspects of their recently published book entitled *The Constitutional System of the Hong Kong SAR: A Contextual Analysis* (Hart Publishing, 2023).

## 13th December

### CCPL Talk: 檢察公益訴訟制度的特色與實踐發展

- 講者: 劉輝 (國家檢察官學院公益訴訟檢察教研部, 教授、法學博士)
- 主持人: 夏穎 (香港大學法律學院助理教授)
- 檢察公益訴訟是在全面依法治國的時代背景下, 運用法治思維和法治方式解決侵害公益突出問題, 推進國家治理體系和治理能力現代化的制度設計, 是習近平法治思

想在公益保護領域的生動實踐和原創性成果。從實務視角觀察，檢察公益訴訟辦案規模快速增長、領域不斷拓寬、辦案質效逐步提升、公益保護效果愈發凸顯。檢察公益訴訟制度構建對於強化檢察機關法律監督職能、發展完善中國特色社會主義司法制度具有極為深遠的歷史意義，也為世界法治文明提供了新樣本、新形態。

**14th December**

**CCPL Talk: 內地檢察機關法律監督的理念、原則與職能**

- 講者: 王韻潔 (法學博士，國家檢察官學院政治與檢察理論綜合教研部副主任、副教授，《國家檢察官學院學報》編輯)
- 主持人: 夏穎 (香港大學法律學院助理教授)
- 檢察機關是國家的法律監督機關，是保障國家法律統一正確實施的司法機關。檢察機關法律監督的原則和職能設置體現了新時代檢察機關法律監督的定位。檢察機關踐行新時代檢察理念，依法履行刑事、民事、行政、公益訴訟“四大檢察”職能，有力維護國家安全、社會安定、人民安寧。

**2024**

**10th January**

**HKU Public Law Lecture Series 2024: Global Constitutionalism, Great Power Competition and Prerogative Power**

- Speaker: Mattias Kumm (Inge Rennert Professor of Law, New York University)
- Chair: Alec Stone Sweet (Sir YK Pao Chair in Public Law, Faculty of Law, The University of Hong Kong)
- What is the relationship between the current structure of the international legal order and the rise of great power competition? What are the effects likely to be on that order? The lecture will analyze these issues from a perspective that takes as a starting point the principled legal commitments underlying the post WWII international legal order - a global constitutionalist perspective - in order to critically reflect on the failures of that order in its more concrete institutional operation. The current international order, the speaker will argue, is best described as a dual order, in which there is a domain of ordinary legality on the one hand, where international law tends to be reliably respected, and a domain in which great powers effectively exercise prerogative power limited only by balance of power considerations. Such an order is only as stable as the balance of power considerations underlying it and, under current circumstances, is under perpetual threat of calamitous collapse.

**16th January**

**HKU CCPL Talk: Behavioural Jurisprudence in China? Comparing social scientific and experiential knowledge about law's role in preventing crime**

- Speakers:
  - Benjamin Van Rooij (Professor of Law and Society, University of Amsterdam)



- Shuyu Huang (PhD candidate, University of Amsterdam)
- Chair: Xin HE (Professor of Law, The University of Hong Kong)
- There is now an increasingly well-developed body of social science research about how law shapes behavior. This forms the basis for a behavioural jurisprudence that can enlighten legal professionals, from frontline regulators to legislators, about how they can operate the law to reduce human and organizational misconduct. Behavioural jurisprudence shows that, for law to reduce harmful and illegal behavior, it must embrace a holistic approach. This necessitates a combination of interventions that address the root causes of the misconduct. Drawing on in-depth interviews with Chinese prosecutors and police officers, this presentation will assess to what extent there is a fertile ground for adopting such a holistic approach in Chinese criminal legal practice, as advocated in behavioural jurisprudence.

### 17th January

#### HKU CCPL Talk: Non-Fungible Tokens: Art and Crime in a Virtual World

- Speaker: Saskia Hufnagel (Professor, University of Sydney Law School)
- Chair: Simon Young (Ian Davies Professor in Ethics, Faculty of Law, The University of Hong Kong)
- Since the record-breaking sale of ‘Everydays: The First 5000 Days’ by Mike Winkelmann (better known as Beeple) most people in the art market know what an NFT (non-fungible token) is and that there is significant potential to make money with this ‘artistic movement’. ‘Everydays’ achieved a record sales price of US\$69,346,250 on 11 March 2021 and was the first ‘purely’ digital art work sold by Christie’s Auction House. This was the third highest price ever paid for a single work of a living artist after Jeff Koons and David Hockney. NFTs are a relatively new technology, developed in 2014. The NFT ‘boom’ happened in 2021. While the traditional art market also skyrocketed, specifically since the 1980s, the NFT rise in prices was much faster. What took the art market decades, took NFTs several months. Most remarkable here was the increase of the sales value for NFTs in early 2021. While the total sales value was an estimated US\$12 million in December 2020, it reached \$340 million by February 2021. While the market in NFTs is by now on its way down, high profits can still be made, in particular with collectibles, making NFTs an attractive target for financial crimes.

NFTs have attracted a mixed reception: for example, in the UK the Law Commission emphasises ‘their potential as a novel and flexible legal structuring tool’. The DCMS Committee has described NFTs as a ‘groundbreaking technology’. In contrast, the Financial Conduct Authority has issued various warning statements as to NFT promotions, and HM Treasury has stressed that ‘There are a number of risks associated with the NFT market including fraud, market manipulation and money laundering.’ Similar concerns have been echoed by the Financial Action Task Force and others. While there has been significant discussion on cryptocurrencies and crime, much less is said about NFTs and crime. Indeed, much of the legal discussion on NFTs thus far has focused on copyright; issues of ownership; royalty rights; consumer protection; and property. This is perhaps understandable, given that the NFTs market is still evolving and initial considerations are commerce-related. However, as with many technological



advancements, the potential for crime is not far away, thus it is important to consider criminal law aspects of NFTs.

The aim of this presentation, then, is to consider the applicability of criminal law to NFT-related financial crime. Specifically, the applicability of current laws on theft and fraud; market offences; and money laundering.

**17th January**

**HKU CCPL Talk: Where Does U.S.-China Scholarly Exchange Go From Here?**

- Speaker: Neysun A. Mahboubi (Director, Penn Project on the Future of U.S.-China Relations, University of Pennsylvania)
- Chair: Sida Liu (Professor of Law and Sociology, Faculty of Law, The University of Hong Kong; Director, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong)
- Until the Covid-19 pandemic, robust scholarly exchange was a hallmark and sometime ballast of U.S.-China relations. Today, as pandemic restrictions subside, the resumption of exchange continues to lag, with understandable concerns about not only cost but also safety clearly paramount for many scholars in both countries. What is lost to established and junior scholars by the present state of affairs, where U.S.-China scholarly exchange remains just a pale shadow of its former self? And how can we navigate back to earlier dynamics, against the backdrop of fierce competition between the two countries as well as continued tightening of political space in China? This talk examines these timely questions and their implications for legal education and beyond.

**22nd January**

**HKU CCPL Talk: Embedded Supervision: China's Prosecutorial Public Interest Litigation against Government**

- Speaker: Yueduan Wang (Assistant Professor, the School of Government, Peking University)
- Chair: Sida Liu (Professor of Law and Sociology, Faculty of Law, The University of Hong Kong; Director, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong)
- A commonly held view maintains that diminished autonomy substantially weakens the capacity of legal institutions to challenge state entities, particularly in authoritarian contexts. Challenging this notion, this study offers a different viewpoint through an empirical analysis of China's recent implementation of prosecutor-led public interest litigation against state agencies. It posits that integration within an authoritarian framework might actually enhance the effectiveness of justice institutions in supervising other state mechanisms. The research indicates that prosecutors have effectively elicited compliance from the scrutinized agencies by deploying a strategic mix of legal deterrence, informal collaboration, and political threat. This methodology is tailored to align with the objectives of local party-state authorities, thereby securing their support and facilitating governmental compliance. These insights reveal the complex interplay between institutional independence and legal enforcement within authoritarian regimes.

**23rd January**

**HKU CCPL Talk: Polarization and Courts – Lessons from Brazil, India and Israel**

- Speaker: Iddo Porat (Professor, College of Law and Business)
- Chair: Cora Chan (Professor of Law, Faculty of Law, The University of Hong Kong)
- This article aims to find some general insights into a question that vexes many countries today, and may affect more in the future - how courts should deal with political polarization. The article aims to do so through a comparative case study of three countries - Brazil, India and Israel - canvassing the challenges that polarization has posed for their supreme courts, and the way each of these supreme courts chose to respond to them. Among the findings of the comparative study are striking similarities in the trajectories of political polarization, and of court reactions, in the three countries. One important difference, however, comes out of the analysis - the difference between a judicial path of wide versus narrow support. India 's Supreme Court chose to retain its popularity during polarization on what I call " wide public support" , by being careful not to vex the BJP government on the most sensitive issue for its voters - its campaigns against Muslims and Muslim ' s rights. Israel, on the other hand, chose a path of what I call " narrow public support" by promoting a liberal conception of human rights across the board, including in hot button issues, such as security, Arab and Palestinian rights, law and religion, and immigration policy, thus losing the support of the right-wing, conservative, and religious parts of the population while solidifying the support of its liberal base. Brazil' s Supreme Court had also lost support among hardline right-wing Bolsonaro supporters, and became a major contention point in the fight between left and right, but this is a more recent phenomenon than in Israel, and it remains to be seen whether it would be able to regain general support after the age of Bolsonaro.

**5th February**

**Comparative Criminal Justice Issues in Korea, China and Hong Kong (Group Visit - Kyung Hee University Law School)**

- **Participants:**
  - Sida Liu (Professor of Law and Sociology, Director, Centre for Comparative and Public Law, The University of Hong Kong)
  - Min Kyung Kim (Judge, Incheon District Court)
  - Alexandra Norton (Barrister-at-Law and Principal Lecturer, Department of Professional Legal Education, The University of Hong Kong)
  - Sean Yau (Senior Research Assistant, Centre for Comparative and Public Law, The University of Hong Kong)

**7th February**

**HKU CCPL Talk: Rule of Law Backsliding and the Response by European Courts (ECtHR and CJEU)**

- Speaker: Alain Zysset (Senior Lecturer in Public Law, School of Law, University of Glasgow)
- Chair: Cora Chan (Professor of Law, Faculty of Law, The University of Hong Kong)
- In recent years across Europe, it has become almost a common place to speak of ' rule of law backsliding '. Such descriptor has been used in various jurisdictions – including Hungary, Poland, the United Kingdom, Turkey, Spain or Italy – to cover phenomena

such as the packing of courts, the muzzling of the media, the shrinking of parliament, the restriction of human rights or the manipulation of the electoral system, among other things. While these phenomena find their expression in the constitutional order, they have more recently been addressed by regional courts, in particular the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU). The response of European courts is often much awaited as the ultimate guardians of the rule of law and democracy. But have these courts provided an apt response considering the intricacies of their supranational position?

This presentation first offers an overview of these phenomena in three domestic jurisdictions (Hungary, Poland, and the United Kingdom) and examines if the notion of ‘ rule of law backsliding ’ is valid and sufficient to qualify them – or whether concepts such as populism and/or authoritarianism are also warranted. In Hungary, the presentation looks at the breadth of media concentration; in Poland, it examines the process of judiciary capture; in the United Kingdom, the presentation surveys the trajectory of the Rwanda Bill.

The presentation then critically assesses the response by European courts through select judgments. In the Hungarian context, it surveys recent cases of journalists having had their freedom of expression restricted (ECtHR); in the Polish context, the presentation summarizes the saga regarding conditional funding (CJEU) and appraises a possible human right to judicial independence (ECtHR); in the British context, the presentation examines the blocking of immigration legislation by ‘ interim measures ’ (ECtHR) and, more broadly, the strained relationship between the British government and the Strasbourg court since *Hirst v. The UK*.

**22<sup>nd</sup> February**

**HKU CCPL Talk: The Perennial Problem with Disclosure**

- Speaker: Ed Johnston (Associate Professor of Criminal Justice and Procedure, University of Northampton)
- Chair: Simon Young (Ian Davies Professor in Ethics, Faculty of Law, The University of Hong Kong)
- This paper explores the critical and evolving issues surrounding the disclosure process in criminal law within the legal systems of England and Wales. The principle of disclosure, which requires the prosecution to share evidence with the defense, is fundamental to the fairness of the criminal justice system. However, recent developments have highlighted significant challenges and shortcomings that demand attention and reform. The first section of this paper examines the historical context of disclosure in England and Wales, tracing its evolution from common law principles to statutory provisions. It provides an overview of the primary legislation governing disclosure, such as the Criminal Procedure and Investigations Act 1996, and its amendments. By understanding the historical framework, it becomes clear that disclosure has long been a cornerstone of the adversarial system in these jurisdictions.

The second section delves into the challenges and deficiencies plaguing the current disclosure regime. High-profile cases, such as the collapse of the trial against Liam Allan

in 2017, have exposed systemic issues, including inadequate police training, excessive digital evidence, and failure to disclose material evidence. These problems contribute to wrongful convictions, undermine public trust, and burden the criminal justice system with costly appeals and reviews.

In conclusion, this paper sheds light on the pressing issues and challenges surrounding disclosure in criminal law in England and Wales. It emphasizes the importance of addressing these issues to maintain public trust and ensure the integrity of the criminal justice system. Through comprehensive analysis and thoughtful reforms, it is possible to strike a balance between the prosecution's duty to disclose evidence and the defendant's right to a fair trial, ultimately promoting justice for all parties involved.

**23rd February**

**HKU CCPL Talk: Social and Economic Rights: An International and Comparative Argument for Justiciability**

- Speaker: Claire-Michelle Smyth (Associate Professor of Law, Kingston University)
- Chair: Simon Young (Ian Davies Professor in Ethics, Faculty of Law, The University of Hong Kong)
- In 1945 the Universal Declaration of Human Rights for the first time comprehensively catalogued the fundamental human rights which should be guaranteed to all persons. This declaration was an aspirational statement of goals which made no distinction between classes of rights. During attempts to transpose this document into one legally enforceable treaty, negotiations deteriorated into polemics with each side adopting extreme discordant approaches, resulting in its abandonment. Accordingly, it was agreed that two treaties would be drafted, marking the initial and persistent divide in international between the two sets of rights which set them on divergent paths with differing degrees of importance being attached to each. The subordination of social and economic rights to their civil and political counterparts in international law created significant difficulties in the propagation of, and force accorded to, these rights. As a result of their subjugation the struggle for equivalent legal protection in international, regional and domestic systems has been an arduous one.

To that end the main focus of this paper is illustrating the positive impact that the courts have had when they have deigned to intervene and argues that without elevating social and economic rights to within the purview of the judiciary, the result is that these rights will remain perceived as less important than their civil and political counterparts. To illustrate this point, the paper will draw on the impact of the optional protocol to the ICESCR, jurisprudence of the European Court of Human Rights and a comparative analysis of protections offered in South Africa, India, Canada and Ireland.

**27th February**

**HKU CCPL Talk: (A Lack of) Pre-Charge Engagement in England and Wales: A Missed Opportunity**

- Speaker: Ed Johnston (Associate Professor of Criminal Justice and Procedure, University of Northampton)

- Chair: Simon Young (Ian Davies Professor in Ethics, Faculty of Law, The University of Hong Kong)
- This paper argues that the criminal justice system of England and Wales could benefit from the use of Pre-Charge Engagement (PCE) to address the significant backlog of criminal cases. PCE is a new scheme introduced by the Attorney General's Guidelines on Disclosure in December 2020, which encourages early engagement between suspects or their legal representatives and the police/CPS prior to formal charge. This scheme has the potential to divert cases from prosecution, thereby reducing the backlog. However, Johnston's study in 2022 (published in the Criminal Law Review) found that few defence lawyers were aware of or utilized PCE. This paper discusses the benefits of early engagement and highlights issues and obstacles hindering the police in early engagement. It proposes a roadmap for active engagement that ensures fair trial rights and meaningful participation between the parties. However, the paper notes that problems with the disclosure regime, of which PCE is a by-product of, point to issues in the culture of cooperation between competing sides. Although, effective use of PCE supports the objective of Criminal Procedure Rules of "dealing with cases justly" and ought to help foster a culture of cooperation. Ultimately, in the modern era of criminal procedure, adversarialism is a relic. It has been replaced by managerialism, in which PCE can play a pivotal role in the stages of proceedings. The effective use of the scheme could help the actors in the criminal justice system work together to clear the backlog and ensure timely justice for all parties involved.

### 15<sup>th</sup> March

#### **HKU Public Law Lecture Series 2024: How to Think, and not to Think, about the Rule of Law**

- Speaker: Martin Krygier (Gordon Samuels Professor of Law and Social Theory, UNSW Sydney)
- Chair: Stefano Osella (Assistant Professor of Law, Faculty of Law, The University of Hong Kong)
- The rule of law came to enjoy unprecedented acclaim in recent decades. But quantity has not always gone together with quality. And today its aura has dimmed. Yet it is hugely important to think well about, and I believe there are better ways. I argue that we should start first by asking, not what the rule of law is, but what it is for: what's the point, and what would need to be achieved to make it. Only then can one ask what might be needed to do so. The specific problem for the rule of law to solve, I contend, is arbitrary power. The character of any solution must be to temper power's exercise to keep arbitrariness to a minimum. Then the question is how to do that. The answer, almost certainly and everywhere, will depend on a lot more than conventional rule of law talk suggests, and will involve a lot more than law.

### 25<sup>th</sup> March

#### **HKU CCPL Talk: The Legal Education System in India and Its New Initiatives**

- Speaker: Wenjuan Zhang (Professor and Associate Dean (International Collaborations), the Jindal Global Law School)



- Chair: Sida Liu (Professor of Law and Sociology, Faculty of Law, The University of Hong Kong; Director, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong)
- Judicial activism and economic liberalization lays a good foundation for the fast development of legal education in India since 1970s. However, the quality of legal education has not been up to the expectation. While practitioners and academia attributed to the complicated regulation system some policy entrepreneurs forged ahead for new forms of legal education by navigating the space created by the complicated system, such as the national law university from late 1980s and the private law schools from late 2000s. In the talk, Professor Wenjuan Zhang would share her insights about Indian legal education system and the implications of the new reform initiatives.

### 8th April

#### 香港大學比較法與公法研究中心講座：社會信用體系建設的法治之道

- 講者：沈巋 (北京大學法學院教授、北京大學法學院學術委員會副主任、北京大學人權與人道法研究中心主任、北京大學憲法與行政法研究中心研究員、中國行為法學會軟法專業委員會會長)
- 主持人：劉思達 (香港大學法律學院教授、社會學系禮任教授, 比較法與公法研究中心主任)
- 在政府主導的公私聯合動力之下，社會信用體系建設形成多領域、多層級主體制作大量信用規範的格局，且以“一處失信，處處受限”為政策導向。該項工程有其產生功效的積極意義，但違反依法行政原則、尊重保障人權原則、不當聯結禁止原則、比例原則、公平原則等法治國原則的現象較多存在。為此，有必要對社會信用體系建設重新進行政策定位，合理規範失信懲戒的設定和實施，並確保社會信用規範制定或實施的審查與救濟的可得性。

### 9th April

#### HKU CCPL Talk: Conditioned Thinking about Criminal Fault: Comparative Reflections Across the Civil and Common Law Traditions

- Speaker: Matthew Dyson (Professor of Civil and Criminal Law, University of Oxford)
- Chair: Simon Young (Ian Davies Professor in Ethics, Faculty of Law, The University of Hong Kong)
- In *HKSAR v. Chan Kam Shing* [2016] HKCFA 87, Mr Justice Ribeiro PJ put up a thought-provoking response to the role of conditions within fault elements in criminal law. His honour gave (at [86]) three reasons rejecting any change to Hong Kong's doctrine of "joint enterprise", whereby it is easier to convict a second party of further crimes after a first, the third was, "I consider that *Jogee*'s introduction of the concept of "conditional intent" in its restatement of the law gives rise to significant conceptual and practical problems." Conditional intention was not new to English criminal law in *Jogee* ([2016] UKSC 8), and many legal systems use a process to account for additional outcomes, beyond the direct purpose of the defendant. This seminar considers ways of



doing that, and that they mean in theory and in practice. It also considers what justifications and values underpin claims of which way is better.

## 12th April

### HKU CCPL Talk: Done and Undone While Resisting: Global Poverty and the 21st Century

- Speaker: Luis Eslava (Professor of International Law, La Trobe Law School, La Trobe University; Professor of International Law, Kent Law School, University of Kent)
- Chair: Jedidiah Kroncke (Associate Professor of Law, Faculty of Law, The University of Hong Kong)
- Luis Eslava is Professor of International Law at La Trobe Law School, La Trobe University, and at Kent Law School, University of Kent. He also holds visiting positions at the Geneva Graduate Institute, Melbourne Law School, and Universidad Externado de Colombia. Bringing together insights from anthropology, history and legal and social theory, his work focuses on the multiple ways in which international norms, aspirations and institutional practices, both old and new, come to shape and become part of our everyday life. He is the author of *Local Space, Global Life: The Everyday Operation of International Law and Development* (2015), and co-editor of *Bandung, Global History, and International Law: Critical Pasts, Pending Futures* (2017) and the *Oxford Handbook on International Law and Development* (2023). His work has been recognised by several awards, including the 2016 SLSA Hart Socio-Legal Book Prize and the 2016 SLSA Prize for Early Career Academics. He currently directs the IEL Collective's international sociolegal action research initiative Ruptures21, and coordinates the International Law and Politics Collaborative Research Network at the Law and Society Association.

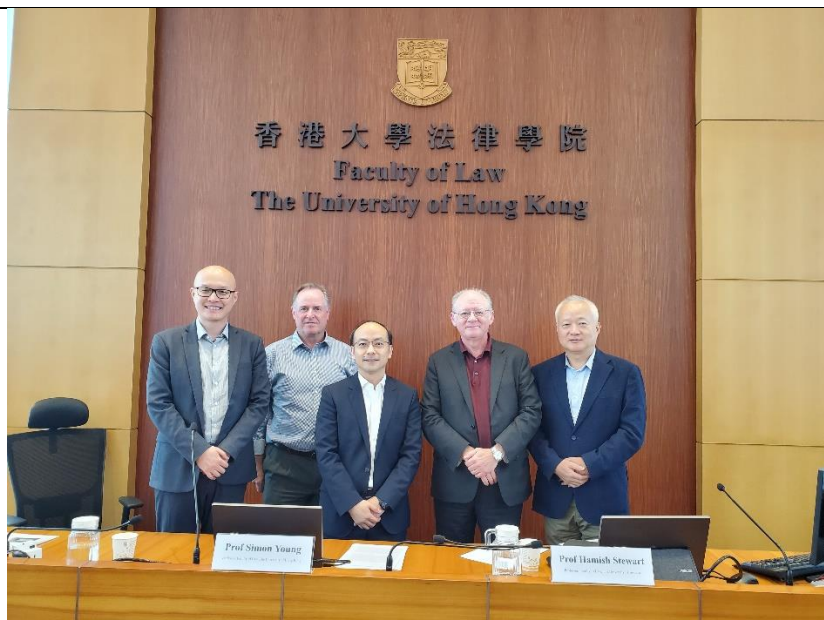
## 22nd April

### HKU CCPL Talk: The Monarchy-led Urban Development: Lessons from Bangkok's Planning Regime

- Speaker: Rawin Leelapatana (Lecturer in Public Law and Jurisprudence, Faculty of Law, Chulalongkorn University, Thailand)
- Chair: Sida Liu (Professor of Law and Sociology, Faculty of Law, The University of Hong Kong; Director, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong)
- Although royal absolutism was abolished on 24 June 1932, much infrastructure, including many roads and public facilities in the capital, Bangkok, is said to be the products of royal initiatives of his majesty the king. Ostensibly, the construction of such infrastructure was delivered, especially from the 1970s onwards, by a constitutional rather than an executive monarch and even against the presence of democratisation and the Western-style urban planning regime. Such construction was put into operation by either the royal institution, a state organ, or individual royalist elites in honour of the king. As a result, these structures become visible symbols of public loyalty to the sacred throne as well as the king's graciousness and altruism towards the people. I call this royal-initiated form of urban development 'the monarchy-led urban development' (MUD). I argue that to implement the MUD in democratizing Thailand, the monarchy must move away from operating blatantly outside the law and instead seek recourse to it. Written constitutions, planning law instruments, and non-planning law instruments are

integral for turning the abstract constitutional ideology of royal nationalism into concrete reality, while also lending a veneer of legality to royal prerogative in urban planning.

**16th October 2023**  
**[In-person Event] Can Criminal Law be Personalized? Reflections on Artificial Intelligence and Criminal Liability]**



**8th November 2023**  
**[In-person Event] Sham Tsz Kit v. Secretary for Justice: A New Chapter for Same-Sex Couples in Hong Kong**



**10th November 2023**  
**[In-person Event] Economic Development Models and Democratic Backsliding in East Asia**



**17th January 2024**  
**HKU CCPL Talk: Where Does U.S.-China Scholarly Exchange Go From Here?**





**5th February 2024**  
**Comparative Criminal Justice**  
**Issues in Korea, China and**  
**Hong Kong (Group Visit -**  
**Kyung Hee University Law**  
**School)**

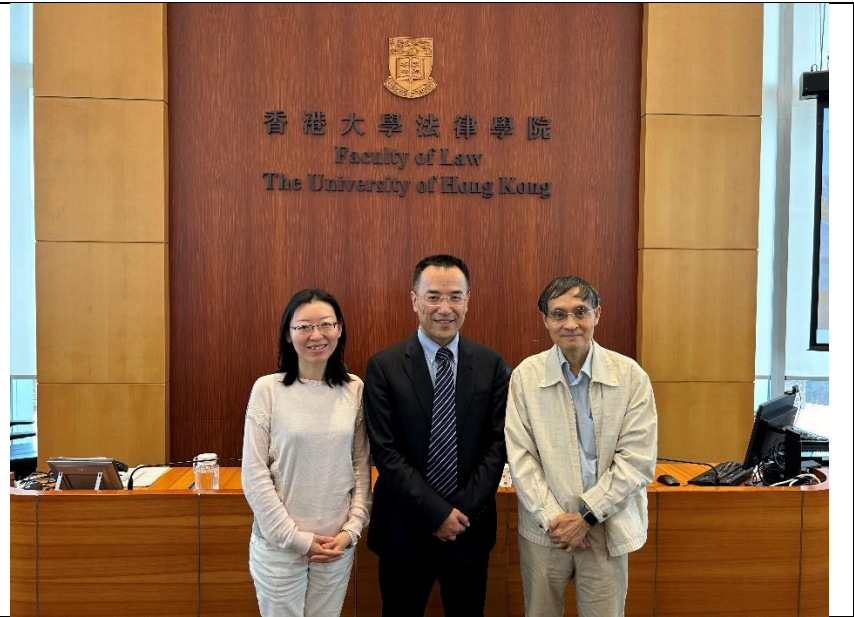


**25th March 2024**  
**HKU CCPL Talk: The Legal**  
**Education System in India and**  
**Its New Initiatives**



8th April 2024

香港大學比較法與公法研究中  
心講座：社會信用體系建設的  
法治之道



## 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:

<p><b>10th August 2023</b></p>	<p><b>Dr Stefano Osella</b>, CCPL Deputy Director and CCPL Fellow, co-authored an article “Introduction: Trans Identities and the Law” in <i>International Journal of Constitutional Law</i>.</p> <p>This Symposium offers a critical exploration of how the identities of trans people are translated, recognized, and considered in the law. In so doing, it sheds light on the often-difficult coexistence between the lived experiences of trans people and their legal regulation. The main argument that the Symposium advances is that multiple structural—legal, social, and cultural—factors influence the evolution of rights pertaining to gender identity. Identity recognition—the articles show—is also key to accessing multiple other rights and benefits in society. The Symposium includes five articles, all addressing the recognition of diversity and the construction of gender in law, focusing on a variety of jurisdictions and drawing on different disciplinary perspectives. Showing a multifaceted approach to one of the most topical public law challenges, this Symposium discusses the limits and the possibilities of law in advancing the rights of trans people.</p>
<p><b>10th August 2023</b></p>	<p><b>Dr Stefano Osella</b>, CCPL Deputy Director and CCPL Fellow, co-authored an article “Gender recognition at the crossroads: Four models and the compass of comparative law” in <i>International Journal of Constitutional Law</i>.</p> <p>The article explores the different constitutional developments of the right to gender recognition and discusses their potential to protect trans and nonbinary people. Focusing on a few selected jurisdictions, each incarnating a specific kind of recognition system, it also proposes a conceptual map to understand and identify the different shapes of such a right. The article argues that four types of gender recognition can be identified, each with their own characteristics, advantages, peculiarities, and set of challenges for trans and nonbinary people and for the system of gender categorization itself. In clarifying this area of law, the article contends that the very process of creation and policing of gender identities and categories represents a critical aspect of contemporary gender constitutionalism.</p>
<p><b>15th August 2023</b></p>	<p><b>Dr Ying Xia</b>, member of CCPL Board of Management and CCPL Fellow, co-authored an article “An Unlikely Duet: Public-Private Interaction in China’s Environmental Public Interest Litigation” in <i>Transnational Environmental Law</i>.</p>



	<p>Increasing research has been devoted to examining collaborations between public and private actors in environmental regulation under neoliberal democracies. However, this public-private interaction in authoritarian regimes remains understudied. This article seeks to address this gap in the literature through an empirical examination of the interaction between environmental non-governmental organizations (NGOs) and procuratorates in China's environmental public interest litigation. We find emerging complementarity: NGOs focus on new issues and target high-profile defendants to increase the socio-legal impact of their civil litigation, whereas procuratorates increasingly engage in administrative litigation against government agencies. This complementarity is shaped by the different legal opportunities for Chinese NGOs and procuratorates, as well as their respective institutional objectives and capacities. Their divergent regulatory preferences have also fostered synergy between these two actors, allowing them to collaborate on legal experimentation and innovation.</p>
<b>28th August 2023</b>	<p><b>Prof Albert Chen</b>, member of CCPL Board of Management and CCPL Fellow, published an article “The Evolution of Modern Chinese Nationality Law: A Historical Perspective” in <i>The China Review</i>.</p> <p>The legal concept of nationality was a Western import into China in the 19th century. The modern notion of nationality was a product of modern public international law and the domestic constitutional laws of Western states. In 1909, China under the Qing Dynasty enacted its first nationality law. After the Republic of China was founded, it enacted in 1912 a nationality law which was largely the same as the 1909 law. This law was slightly amended in 1914. After the Chinese Nationalist Party (Kuomintang) came into power, a new nationality law was enacted in 1929. This law is still largely in force in Taiwan today. The People's Republic of China only adopted its first nationality law in 1980. This law is still in force today. This article will trace the evolution of modern Chinese nationality law by examining the laws mentioned above. It will seek to understand the evolving Chinese nationality law in the light of its changing political and social contexts and the international environment in which China found itself.</p>
<b>11th September 2023</b>	<p><b>Ms Amanda Whitfort</b>, CCPL Fellow, co-authored an article “Population Estimates and the Effect of Trap-Neuter Return Program on the Free-Roaming Dog Population in Hong Kong SAR” in <i>Journal of Applied Animal Welfare Science</i>.</p> <p>Free-roaming dog populations ensue from irresponsible dog ownership and abandonment. The Society for the Prevention of Cruelty to Animals (SPCA) in Hong Kong SAR offers practical solutions to control dog population growth by providing a range of different birth control programs. We present the first results of a trial Trap Neuter</p>

	<p>Return (TNR) program in Hong Kong SAR; with a free-roaming dog population on Cheung Chau Island (southwest). During the 3-year study, the SPCA undertook surveys to assess population size and trapped, desexed, and, where possible, rehomed free-roaming dogs. We report that a total of 182 dogs were encountered during the period. We estimate that an average of 75% of the population was desexed, reaching the threshold for successful TNR studies. The results of our study show that TNR can assist with free-roaming dog population control and provide guidance for future programs, in Asia and Hong Kong SAR.</p>
<b>12th September 2023</b>	<p><b>Prof Albert Chen</b>, member of CCPL Board of Management and CCPL Fellow and <b>Prof Po Jen Yap</b>, Director of CCPL, co-authored a new book <i>The Constitutional System of the Hong Kong SAR</i> (Hart Publishing, 2023).</p> <p><b>This book provides an account of the evolving constitutional arrangement known as “One Country, Two Systems”, as practised in the Hong Kong Special Administrative Region of the People's Republic of China (PRC).</b></p> <p>The British colony of Hong Kong, one of the “Four Little Dragons” of East Asia, reverted to Chinese rule in 1997. Since then, Hong Kong has continued to be an international financial centre, a free market, and a cosmopolitan city. At the same time, the tensions and contradictions inherent in “One Country, Two Systems” have given rise to constitutional controversies and social movements, culminating in the Umbrella movement of 2014, the anti-extradition law movement of 2019, the enactment of a National Security Law in 2020, and the electoral overhaul of 2021. This book discusses the structure and operations of Hong Kong's legal, judicial and political systems and their interactions with the national authorities of the PRC.</p> <p>The book provides a useful case study in comparative constitutional law, especially on autonomy and devolution issues within sovereign States. This comparative study is particularly interesting because Hong Kong is a common law jurisdiction within the PRC's socialist legal system. It will therefore be of interest to students and scholars of Chinese law, Hong Kong law and comparative politics, as well as lawyers whose practice involves Hong Kong.</p>
<b>24th October 2023</b>	<p><b>Prof Hualing Fu</b>, member of CCPL Board of Management and CCPL Fellow, co-edited a new book <i>Regime Type and Beyond: The Transformation of Police in Asia</i> (CUP, 2023).</p> <p>Policing is legitimized in different ways in authoritarian and democratic states. In East and Southeast Asia, different regime types to a greater or lesser extent determine the power of the police and their</p>

	<p>complex relationship with the rule of law. This volume examines the evolution of the police as a key political institution from a historical perspective and offers comparative insights into the potential of democratic policing and conversely the resilience of authoritarian policing in Asia. The case studies focus on eight jurisdictions: Singapore, Thailand, Hong Kong, Vietnam, China, Taiwan, Japan and South Korea. The theoretical chapters analyse and explain the links between policing and society, the politics of policing and recent police reforms. This volume fills a gap in the literature by exploring the nature of authoritarian policing and how it has transformed and developed the rule of law throughout East and Southeast Asia.</p>
24th October 2023	<p><b>Prof Hualing Fu</b>, member of CCPL Board of Management and CCPL Fellow, co-authored a book chapter “Mapping the Authoritarian and Democratic Divide: The Transformation of Policing in Asia” in <i>Regime Type and Beyond: The Transformation of Police in Asia</i> (CUP, 2023).</p> <p>This edited volume explores the nature of authoritarian policing, its transformation and resilience, and its rule of law implications. The discussion of the evolution of policing takes place in the context of the overall development of the police, their professionalization, institutional autonomy and neutrality, legality, and their credibility within the communities they manage and serve. What makes policing “democratic” is a contested concept and the definition varies depending on the level of abstraction and the particular focus of the inquiry. While regime type, which is itself a contested concept, the close nexus between the coercive power of the police and the state, it is never dispositive. Thus, the dichotomous categorization of authoritarian policing (AP) and democratic policing (DP), while useful as a starting point for comparative analysis, misses a large amount of nuance and often overlooks the plurality of either system, neglecting the fact that a police system can be authoritarian or democratic in multiple ways and in different aspects of policing. This volume rejects this simple binary view. It aims to untie and unpack the nexus between the police and the political system and to explore the plurality of both AP and DP.</p>
24th October 2023	<p><b>Prof Hualing Fu</b>, member of CCPL Board of Management and CCPL Fellow, published a book chapter “High Policing and Human Rights Lawyering in China” in <i>Regime Type and Beyond: The Transformation of Police in Asia</i> (CUP, 2023).</p> <p>This chapter studies the interaction between human rights lawyers and activists and political policing in China. While coercion is key to authoritarian governance, coercive and repressive measures in and of themselves do not produce regime resilience and deliver orders, compliance, and effective governance that is commonly observed in</p>

	<p>China. This chapter examines the systemic use of “soft repression,” which is preventive and pre-emptive in nature, characterized by surveillance, early intervention, and political persuasion. The process is informal and interactive in which the Chinese political policing systems bring government pressure and other non-state forces to bear on target groups and individuals to achieve compliance. Subtle intimidation, consent under duress, relational repression, and voluntary detention, all hallmarks of China’s political policing, which is referred to as coercive political persuasion, have worked to constrain legitimate advocacy without frequently resorting to direct violence or blatant violation of legal rules.</p>
<b>1st November 2023</b>	<p><b>Mr Edward Lui</b>, CCPL Fellow, published an article “First Aid Administrative Law: Patching the Conditional Discharge Regime” in <i>Hong Kong Law Journal</i>.</p> <p>The conditional discharge regime – contained in s 42B of the Mental Health Ordinance (Cap 136) – is an important aspect of Hong Kong’s mental health law. It provides that patients falling within its scope may be discharged into the community, whilst being held subject to specified conditions. But this regime has been subjected to significant academic criticism, including in relation to its relative lack of substantive and participatory safeguards for the patients involved. This article argues that in the absence of statutory reform, the well-established principles of administrative law can offer a valuable mitigation of some of the problems observed under the regime.</p>
<b>3rd November 2023</b>	<p><b>Mr Massimo Lando</b>, CCPL Fellow, published an article “Reframing the English Foreign Act of State Doctrine” in <i>Modern Law Review</i>.</p> <p>This article proposes a way to reframe the English foreign act of State doctrine. The doctrine is an established rule of English common law but its contours and application remain ill-defined, despite the Supreme Court’s restatement in <i>Belhaj v Straw</i>. The doctrine in its current form emerges from the accretion of precedents over some 350 years, but still lacks a unifying framework bringing its different strands together. This article argues that English courts should reframe the doctrine by reference to the distinction between elements of a rule that are embedded in its definition, called ‘limitations’, and elements of a rule that exist separately from it, called ‘exceptions’. This distinction has been developed in legal philosophy to classify the elements of wrongs as definitional elements, constitutive of liability, and defences, defeating liability. Reframed according to this distinction, the English foreign act of State doctrine can be streamlined into one, single rule, instead of the three rules set out in <i>Belhaj v Straw</i>. This reframing has implications for the doctrine’s characterisation as one of justiciability, abstention or restraint, and its compatibility with the duty to do justice, including under the European Convention on Human Rights.</p>

<p><b>8th November 2023</b></p>	<p><b>Dr Jiahui Duan</b>, CCPL Fellow, published an article “Sexual Harassment in Irregular Chinese Workplaces: Business Dinners, Team-Building Activities, and Social Media” in <i>Law &amp; Social Inquiry</i>.</p> <p>Much of the social and economic inequality that sexual harassment perpetuates is created in the workplace. But research has not always acknowledged the fluid and changing nature of workspaces. This article argues that irregular workspaces and activities—bars and other social drinking sites at which yingchou (business drinking activities) take place, team building, and the WeChat social media platform—are significant sites of sexual harassment in China. These irregular workplaces play a significant role in working life in China, and their informality has made them prone to sexual harassment in the context of deeply entrenched gender norms and vertical power hierarchy.</p>
<p><b>13th November 2023</b></p>	<p><b>Dr Ying Xia</b>, member of CCPL Board of Management and CCPL Fellow, published an article “Environmental Advocacy in a Globalising China: Non-Governmental Organisation Engagement with the Green Belt and Road Initiative” in <i>Journal of Contemporary Asia</i>.</p> <p>Although the Belt and Road Initiative presents growth opportunities for less developed regions, it also raises concerns about negative environmental impacts and sustainability. Despite proliferating academic interest in China’s efforts to green the Belt and Road Initiative, the engagement of non-governmental organisations in policymaking has been understudied. This research marks the first empirical effort to examine the interactions between environmental non-governmental organisations and the Chinese government under the banner of a green Belt and Road Initiative. It finds that non-governmental organisations have employed four strategies to engage with the state-led initiative – civil diplomacy, development partnership, service provision, and outside reform – and that development partners and service providers have been more active than the others in shaping China’s Belt and Road Initiative-related environmental policies. This article elucidates civil society actors’ opportunities and constraints in greening the Belt and Road Initiative and non-governmental organisations–government dynamics in a non-democratic context.</p>
<p><b>14th November 2023</b></p>	<p><b>Mr Massimo Lando</b>, CCPL Fellow, published an article “The Limits of Deduction in the Identification of Customary International Law” in <i>Asian Journal of International Law</i>.</p> <p>Much scholarship on customary international law has examined the merits of induction, deduction, and assertion as approaches to custom identification. Save for where international tribunals identify custom by assertion, writers have viewed custom identification that does not rely on evidence of State practice and opinio juris as an example of</p>



	<p>deductive reasoning. However, writers have stated that, at best, deduction is reasoning from the general to the particular. This article draws on legal philosophy to define the contours of deductive reasoning and argues that pure deduction, namely deduction not combined with other forms of reasoning, is an unsound approach to custom identification. This argument is tested by reference to cases of custom identification by the International Court of Justice, categorised according to three types of deduction: normative, functional, and analogical. This article also explores the authority and utility of custom identification by pure deduction and its impact on content determination.</p>
5th January 2024	<p><b>Prof Simon Young</b>, member of CCPL Board of Management and CCPL Fellow, co-edited a new book <i>The Cambridge Handbook of Foreign Judges on Domestic Courts</i> (CUP, 2023).</p> <p>Foreign judges sit on domestic courts in over fifty jurisdictions worldwide. They serve on ordinary courts, including apex and constitutional courts, as well as specialist courts, such as international commercial courts and hybrid criminal tribunals. This Handbook presents the first global comparative study of this long-standing, diverse and evolving practice, from colonial precedents to new forms of foreign judging in contemporary conditions of globalisation. Chapters by scholars of law, politics and history, and reflections by judges themselves, provide detailed information and critical analysis of foreign judging across Africa, Asia, the Caribbean, Europe, the Middle East and the Pacific. The chapters examine the notion and relevance of foreignness, rationales for foreign judges, and the implications for judicial identity, adjudication, independence and accountability. Focusing on an underexplored issue that features mainly in small states and jurisdictions of the Global South, this Handbook challenges assumptions and expands knowledge about courts and judges.</p>
5th January 2024	<p><b>Prof Simon Young</b>, member of CCPL Board of Management and CCPL Fellow, published a book chapter “Domestic Criticisms of Foreign Judges” in <i>The Cambridge Handbook of Foreign Judges on Domestic Courts</i> (CUP, 2023).</p> <p>This chapter discusses three common criticisms of using foreign judges on domestic courts. First, that the foreign judge, ignorant of local laws, customs and circumstances, will reach decisions that are legally wrong, assertive of colonial values and principles, or simply unacceptable to members of the local community. Second, the foreign judge, not being a citizen or resident of the local jurisdiction, has divided patriotic ties rendering him or her ill-suited to consider questions of constitutional significance, national security or foreign affairs. Third, the expertise of the foreign judge is no longer needed as there is already abundant</p>

	domestic legal expertise. The chapter responds and reflects upon these criticisms in the context of the evolving system of overseas non-permanent judges of Hong Kong's Court of Final Appeal since 1997.
<b>22nd January 2024</b>	<p><b>Julius Yam</b>, CCPL Fellow, published an article "Judging Under Authoritarianism" in <i>Modern Law Review</i>.</p> <p>Authoritarianism has significant implications for how judges should discharge their duties. How should judges committed to constitutionalism conduct themselves when under authoritarian pressure? To answer this question, the article proposes a two-step adjudicative framework, documents a variety of judicial strategies, and proposes how principles and strategies can and should be incorporated into the framework in different scenarios. The first step of the adjudicative framework involves judges identifying the 'formal legal position' while blindfolding themselves to extra-legal factors (such as potential authoritarian backlash). In the second step, depending on the level of risk incurred by maintaining the formal legal position, judges should lift the blindfold to check whether, and if so how, the formal legal position should be supplemented with or adjusted by judicial strategies. Through this analysis, the article offers a guide to judicial reasoning under authoritarianism.</p>
<b>29th January 2024</b>	<p><b>Dr Cora Chan</b>, member of CCPL Board of Management and CCPL Fellow, published an article "Scholarship in Times of Constitutional Transformation: A View from Hong Kong" in <i>Human Rights Law Review</i>.</p> <p>Hong Kong's constitutional order has been undergoing a momentous transformation since 2020. The introduction of the Hong Kong National Security Law and the use of a plethora of other security tools have pushed Hong Kong's largely liberal legal order in an increasingly authoritarian direction. This article examines the implications of these changes for academic freedom in the territory. Through the lens of Hong Kong, it examines the unique challenges facing constitutional law scholars in authoritarian or liberal backsliding contexts, as well as the distinct contributions they can make. It concludes with reflections on the relevance of arguments against 'scholactivism' to authoritarian contexts. The analysis in this article will help us to understand what scholars should and can do in politically volatile environments more generally.</p>
<b>1st February 2024</b>	<b>Prof Simon Young</b> , member of CCPL Board of Management and CCPL Fellow, served again as the General Editor for a new book <i>Archbold Hong Kong 2024</i> (Sweet & Maxwell, 2023).
<b>2nd February 2024</b>	<b>Mr Massimo Lando</b> , CCPL Fellow, published an article "Three Goals of States as They Seek Advisory Opinions from ITLOS" in <i>AJIL Unbound</i> .



	<p>In most international tribunals, states alone can submit requests for advisory opinions.<sup>1</sup> This is also true of requests to the International Tribunal for the Law of the Sea (ITLOS) sitting in plenary composition. The United Convention on the Law of the Sea (UNCLOS)<sup>2</sup> does not expressly confer advisory jurisdiction on ITLOS. In practice, the Tribunal's advisory jurisdiction is governed by Article 138 of its Rules of Procedure, under which international agreements can empower entities to request advisory opinions of the Tribunal. The process leading to the making of advisory requests to ITLOS includes the drafting of legal questions and is largely political.<sup>3</sup> In this process, sponsoring states have three goals: first, get requests before ITLOS; second, ensure that requests are not thrown out on grounds of jurisdiction or discretion; third, mobilize the constituency having stakes in the requests. This essay explores each of these goals.</p>
<b>6th February 2024</b>	<p><b>Mr Massimo Lando</b>, CCPL Fellow, published a book chapter “Binding Advisory Opinions” in <i>The Changing Character of International Dispute Settlement: Challenges and Prospects</i> (CUP, 2023).</p> <p>In this chapter, Massimo Lando focuses on the advisory jurisdiction of international courts and tribunals. This chapter explains that, traditionally, advisory opinions are not seen as a means of inter-State dispute settlement. However, it argues that recent developments justify re-assessing this traditional view. This chapter claims that the most significant development in this context is the judgment on preliminary objections delivered by the Special Chamber of the International Tribunal for the Law of the Sea in the maritime dispute between Mauritius and Maldives, which gave binding effect to the determinations made by the International Court of Justice in its 2019 advisory opinion concerning the decolonisation of Chagos. This chapter evaluates the Special Chamber’s decision by considering its impact on the Eastern Carelia doctrine and the Monetary Gold principle, as well as its implications for the legal effects of advisory opinions and for the legitimacy of exercising the advisory function.</p>
<b>6th March 2024</b>	<p><b>Prof Simon Young</b>, member of CCPL Board of Management and CCPL Fellow, published a book chapter “Hong Kong” in <i>Elgar Encyclopedia of Comparative Law</i> (Edward Elgar Publishing, 2023).</p>
<b>6th March 2024</b>	<p><b>Prof Albert Chen</b>, member of CCPL Board of Management and CCPL Fellow, published a book chapter “China” in <i>Elgar Encyclopedia of Comparative Law</i> (Edward Elgar Publishing, 2023).</p>
<b>13th March 2024</b>	<p><b>Ms Kelley Loper</b>, member of CCPL International Advisory Board, co-edited a new book <i>Gender, Sexuality and Constitutionalism in Asia</i> (Bloomsbury Publishing, 2024).</p> <p>This book analyses the equal citizenship claims of women and sexual and gender diverse people across several Asian jurisdictions. The</p>

	<p>volume examines the rich diversity of constitutional responses to sex, gender and sexuality in the region from a comparative perspective. Leading comparative constitutional law scholars identify 'opportunity structures' to explain the uneven advancement of gender equality through constitutional litigation and consider a combination of variables which shape the diverging trajectories of the jurisdictions in this study.</p> <p>The authors also embed the relevant constitutional and legal developments in their historical, political and social contexts. This deep contextual understanding of the relationship between sex, gender, sexuality and constitutionalism greatly enriches the analysis. The case studies reflect a variety of constitutional structures, institutional designs and contextual dynamics which may advance or impede developments with respect to sex, gender and sexuality. As a whole, the chapters further an understanding of the constitutional domain as a fruitful site for advancing gender equality and the rights of sexual and gender diverse people.</p> <p>The jurisdictions covered represent all Asian sub-regions including: East Asia (Japan, Taiwan, Hong Kong and South Korea), South East Asia (Malaysia, Singapore, Philippines and Indonesia), and South Asia (India, Nepal, Pakistan and Sri Lanka). The introductory framework chapter situates these insights from the region within the broader global context of the evolution of gender constitutionalism.</p>
<b>14th March 2024</b>	<p><b>Prof Po Jen Yap</b>, member of CCPL Board of Management and CCPL Fellow, co-edited a new book <i>The Cambridge Handbook of Comparative Law</i> (CUP, 2024).</p> <p>Comparative law is a common subject-matter of research and teaching in many universities around the world, and the twenty-first century has aptly been termed 'the era of comparative law'. This Cambridge Handbook of Comparative Law presents a truly global perspective of comparative law today. The contributors are drawn from all parts of the world to provide different perspectives on how we understand the 'law' and how it operates in practice. In substance, the Handbook contains 36 chapters covering a broad range of topics, divided under the following headings: 'Methods of Comparative Law' (Part I), 'Legal Families and Geographical Comparisons' (Part II), 'Central Themes in Comparative Law' (Part III); and 'Comparative Law beyond the State' (Part IV).</p>
<b>28th May 2024</b>	<p><b>Prof Sida Liu</b>, CCPL Director, co-authored an article "Rights in China: Myths, Abuses, and Politics" in <i>Annual Review of Sociology</i>.</p> <p>This article presents a sociological perspective on understanding rights in China, examining the interplay between multiple myths of rights,</p>

	<p>rights abuses, and the politics of rights within various social and physical spaces. It highlights competing myths of rights held by the state, ordinary citizens, rights activists, and legal professionals. The article examines how rights abuses contribute to rights consciousness and mobilization across different human rights domains in a repressive political context. By analyzing the politics of rights in interconnected spaces, such as the street, the legal system, the global arena, and cyberspace, it emphasizes the importance of continuous engagement between domestic and overseas actors in shaping China's human rights future. The article encourages social science researchers to thoroughly examine the myths, abuses, and politics of rights before making normative judgments about China's human rights conditions.</p>
29th June 2024	<p><b>Prof Sida Liu</b>, CCPL Director, co-authored an article "Where rookies prevail: Digital habitus and age-based earnings differentials in online legal services" in <i>British Journal of Industrial Relations</i>.</p> <p>This research investigates how and why the digitalization of work can disrupt age-based earnings stratification in an occupation. Analysing a service archive dataset from a major online legal service platform in China, the study finds that, contrary to the traditional patterns of income inequality, younger lawyers earn more than older lawyers in the digital legal field. Further analyses of the platform's service records and interviews with lawyers working on this platform suggest that the platform's work content and work distribution mechanism make mature lawyers' human, social and symbolic capital less useful. Meanwhile, the preferences of platform clients place added value on younger lawyers' digital habitus and turn it into a new form of cultural capital, manifested in their proficiency and effectiveness in digital communication. By examining habitus and capital in the emerging digital legal field, this research deepens the understanding of the impact of digital technologies on knowledge-intensive occupations.</p>