



Centre for Comparative and Public Law  
Faculty of Law  
University of Hong Kong

## ANNUAL REPORT

July 2011 - June 2013

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REPORT TO THE BOARD OF MANAGEMENT OF  
THE CENTRE FOR COMPARATIVE AND PUBLIC LAW  
JULY 2011- JUNE 2013

Members of the CCPL Board of Management 2011-2013

**Simon NM Young**

Chair, CCPL Director, Professor  
Faculty of Law,  
University of Hong Kong

**Hualing Fu**

Professor  
Faculty of Law  
University of Hong Kong

**Johannes Chan**

Professor and Dean  
Faculty of Law  
University of Hong Kong

**Puja Kapai**

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

**John Burns**

Chair Professor and Dean  
Faculty of Social Sciences  
University of Hong Kong

**Karen Joe Laidler**

Professor  
Faculty of Social Sciences  
University of Hong Kong

**Tony Carty**

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

**Kelley Loper**

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

**Albert Chen**

Chan Professor of Constitutional Law  
Faculty of Law  
University of Hong Kong

**Christine Loh\*\***

Chief Executive Officer  
Civic Exchange

**Anne Cheung**

Professor, Co-Director  
Law and Technology Centre  
Faculty of Law  
University of Hong Kong

**Eliza Lee**

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

**Michael C Davis**

Visiting Professor  
Faculty of Law  
University of Hong Kong

**Benny Tai**

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

\*\* Resigned: September 2012 upon appointment as Under Secretary for the Environment

**International Advisors to CCPL****Andrew Byrnes**

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

**Robyn Emerton**

United Kingdom

**Mark Kende**

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

**Hurst Hannum**

Professor of International Law  
The Fletcher School  
Tufts University

**Michael Hor**

Professor  
Faculty of Law  
National University of Singapore

**Yash Ghai**

Emeritus Professor  
University of Hong Kong

**Carole Petersen**

Professor and Director, Spark M. Matsunaga  
Institute for Peace and Conflict Resolution  
School of Law, University of Hawaii

**Holning Lau**

Professor of Law  
University of North Carolina

**Goals of the Centre for Comparative and Public Law**

The Centre for Comparative and Public Law (CCPL) was established in 1995 as a virtual centre within the Faculty of Law. Its goals are (1) to advance knowledge on public law and human rights issues primarily from the perspective of international and comparative law and practice; (2) to encourage and facilitate collaborative work within the Faculty, the University, and the broader Hong Kong community in the fields of comparative and public law; and (3) to make the law more accessible to the community and more effective as an agent of social change.

This report covers the period from 1 July 2011 to 30 July 2013. CCPL once again organised a significant number of events during this two-year period, including: 12 major conferences, and 52 seminars, dialogues and panel discussions, 18 Rights Talks, four training workshops and one film screening. The Young Researcher Scheme and Refugee Legal Assistance Clinic continue to attract much student interest and participation. CCPL received funding and awards from HKU's Knowledge Exchange Office and the Gallant Ho Experiential Learning

Centre. CCPL also housed and supported a variety of research projects and produced several new publications. These will be detailed in the Appendices to this report.

## Personnel

### Core Staff

Professor **Simon N.M. Young** has been Director of CCPL since July 2007, taking over from Professor Fu Hualing who is served as Head of the Department of Law from 2008 to 2011. Professor Young stepped down in his role as Director in July 2013.

Associate Professors **Puja Kapai** and **Benny Tai**, and Assistant Professor **Kelley Loper** served as the Deputy Directors for the academic years 2011-2013. CCPL welcomed Professor Kapai as its new Director in July 2013.

**Sharron Fast** has worked as Research Officer for the Centre since April 2009. She is responsible for research and administrative support for the Centre's events and projects.

**Flora Leung** is the joint Executive Secretary for CCPL and the Asian Institute of International Financial Law (AIIFL). She manages the registration and publicity for CCPL conferences and seminars and many other administrative matters.

### Senior Researchers and Research Assistants

Senior Research Assistant **Patricia Alva** (part-time) worked on the *ICAC project* and the CMAB's *Stalking project*.

Senior Research Assistant **Bryane Michael** (part-time) worked on the *ICAC project*.

Research Assistant **Winnie Chan** worked on the *Stalking project*, the *Human Rights Bulletin* and the *Asia-Pacific Journal on Human Rights and the Law*.

Research Assistant **Lindsay Ernst** continues to work on the *Experiential Learning – Clinical Legal Education project*.

Research Assistant **Ada Lee** works with CCPL and partners NDI on the *Design Democracy project*.

Research Assistant **Gardenia Kwok** will take over the *Design Democracy project* from Ada Lee in July 2013.

*Student Researchers (part-time)*

Student Research Assistant <b>Chris Chan</b> (part-time) worked on the <i>Human Rights Portal</i> .
Student Research Assistant <b>Ruby Ho</b> works on the <i>Human Rights Portal</i> . She previously assisted with the <i>Stalking project for the CMAB</i> .
Student Research Assistant <b>Christina King</b> works on the <i>Design Democracy project</i> .
Student Research Assistant <b>Crystal Lai</b> works on the <i>DoJ CLDB</i> .
Student Research Assistant <b>Steven Lee</b> works on the <i>DoJ CLDB</i> .
Student Research Assistant <b>Thomas Li</b> works on the <i>Design Democracy project</i> .
Student Research Assistant <b>Alvin So</b> worked on the <i>ICAC project and the Stalking project</i> .
Student Research Assistant <b>Geoffrey Yeung</b> worked on the <i>ICAC project and the Stalking project</i> .

For more information on these projects see **Appendix 1**, beginning on **page 40**.

*Fellows*

Fellows are full-time academic members of HKU who take an active interest in the work and activities of CCPL. For a complete list of Fellows, see **Appendix 2**. CCPL has one Honorary Fellow, who is Ms. Anna Wu, a member of the Executive Council.

*Visiting Fellows*

Visiting Fellows are external academics who visit the Centre and conduct research here, deliver lectures, or participate in other significant ways.

**2013**

**Simon Hooey Lee** is the Director of Hong Kong & Macao Centre for Strategic Research Institute at China Resources Ltd. His research interests include Hong Kong Basic Law, Chinese legal system and constitutional law. Dr. Lee is a consultant to the Harvard Law School (Program on International Financial Systems). During his fellowship at the Centre, from May 2013 through May 2014, he intends to further his research on the Hong Kong Basic Law.

**Walter Lee** visited the Centre from January through June 2013. During his stay, he focussed on researching and writing Chapter III and Chapter IV of his doctoral thesis, titled '*The PRC's Doctrine of Non-interventionism Assessed in Comparison with Classical Chinese Conceptions of Jus ad Bellum.*' Walter is a PhD Candidate at the University of Auckland.

**Alison Duxbury** visited the Centre during the months of March and April 2013. She spent her fellowship conducting research on the impact of human rights on judicial review. Alison is an Associate Professor at Melbourne Law School and an Associate Director of the Asia Pacific Centre for Military Law.

## 2012

**Dr. Stefan Gruber** visited the Centre in October / November 2012. He is a lecturer at Sydney Law School and is currently working on a book on cultural heritage law and policy in China. During his fellowship, he presented a seminar on illicit trafficking in Chinese antiquities.

**Barry Weisberg** visited the Centre from August through December 2012. Barry is an activist, lecturer and teacher from the United States and is considered one of the world's leading authorities on global violence and peace building. He developed his research in this area while based in the Centre.

**Professor Norbert Varga** visited the Centre in August/September 2012. His research topic was the development of citizenship law in the British Empire in the early colonial era, with special attention to the status of citizens of Hong Kong in the 19th century. During his stay, he hosted a seminar on International Treaties and Citizenship Law in the 19th Century.

**PY Lo** joined the Centre as a Visiting Fellow in March 2012. During the tenure as Visiting Fellow of the Centre, Dr Lo conducted research on the courts and judicial system of the HKSAR in their context for the purpose of preparing the "country report" on the courts of the HKSAR for the book project on Asian Courts in Context: A Comparative Study, organized by



a collaborative research group at the College of Law, National Taiwan University. As the investigation progresses, Dr Lo will report his findings in seminar(s) to be organized by the Centre.

**Holning Lau** spent his fellowship in January 2012 focussing on his collaboration with CCPL Deputy Director and Director of the LLM in Human Rights Programme Kelley Loper, which investigated the significance of marital status to legal rights and responsibilities in Hong Kong.

## 2011

**David Pimentel** joined the Centre as a Visiting Fellow in December 2011. He conducted research and a workshop on post-conflict judicial reform and the concomitant exploration of comparative judicial systems. The research laid foundation for future research on judicial reform in developing and post-conflict Asia.

**Bryane Michael** visited the Centre from September 2011 through February 2012. His research focussed on the investigation and prosecution of corruption inside the PRC. In 2012, Bryane worked with the Centre as a Senior Research Assistant, on a project related to local and international corruption laws.

**Kevin Ladouceur** conducted a comparative study of the legal uncertainty of the rules of conflict of laws in the French, American and Chinese legal systems during his fellowship, which ran from March 2012 through June 2012.

**Henry Lin**, a senior prosecutor with the Taichung District Prosecutors Office, was appointed as a CCPL Visiting Fellow from January through April 2012. Henry was part of the team of prosecutors in Taiwan which drafted the agreement between Taiwan and China on “Cross-Strait Joint Crime-Combating Cooperation and Mutual Legal Assistance”. His research at the Centre, which he presented at a seminar, focussed on the Hong Kong approach to mutual legal assistance.

**Ben Bridge** was appointed as a CCPL Visiting Fellow from September 2011 through February

2012. Ben pursued two research areas during his fellowship: an investigation of the relationship between parliamentary privilege and trust in Parliament; and the boundaries of non-statutory executive powers. He gave a well-received seminar on parliamentary privilege during his stay.

### *Student Visiting Fellows*

Student Visiting Fellows are HKU and visiting postgraduate and undergraduate students who undertake research and play a role in the Centre.

**Dana Harada**, of the **University of Hawaii** (2013) worked on the *Designing Democracy* project while on externship after her first year of her JD studies.

### *Summer Interns*

Summer Interns are HKU and visiting postgraduate, undergraduate and secondary students who undertake assist the Centre on specific projects for one to two months during summer break. CCPL welcomed its first interns in the summer of 2012. Details of our past interns are as follows:

<b>MaryAnn Wei</b> , of <b>McGill University</b> (2012) worked on the <i>Design Democracy</i> project.
<b>Lauren Ng</b> , of <b>Singapore International School</b> (2012) worked on the <i>CCPL Facebook page</i> .
<b>Emma Ng</b> , of the <b>German Swiss International School</b> (2012) worked on the <i>CCPL Facebook page</i> .
<b>John Leung</b> , of <b>University College London</b> (2013) performed research on the rule of law in Hong Kong.

### *Young Researchers Scheme*

The Young Researchers Scheme was launched in 2007 for law students interested in international, comparative and public law issues. Students are appointed as student researchers and have the opportunity to work closely with Faculty members on various research

projects. Seven CCPL Young Researchers assisted with research projects housed in the Centre during the summers of 2012 and 2013.

The young researchers in 2012 were Harry Cai Jianbin, Chris Chan Pui Ki, Churk Shue Sing, Ruby Lo Laam Ho, Severina E. Melissa Loja, Frank To Yu Wai, Samuel Wong Lok Him, Jolly Xu Jingying, Daniel Yip Wai Hon, Kenneth Yuen Yip Kan, and John Zhou Hang.

In 2013 Jonathan Lai, Sofia Nordengren, Jeff Chan, Christopher Fung, Calvin Ng, Andrew Tong and Daniel Yip were appointed as Young Researchers on the scheme.

In addition to the people listed above, several members of the Board of Management and the Faculty of Law have assisted with particular events or projects associated with CCPL. Their contributions are noted in the relevant sections of this report.

### Public Conferences

Most of CCPL's events are open to the general public and free of charge, although participants who wish to obtain continuing professional development credit must pay a small fee to cover the additional administrative cost. Participants at CCPL events come from HKU, other local and overseas universities, the government, NGOs, and include practitioners and other interested members of the community.

#### 2013

##### 27 April **Forum on Sexual Orientation Anti-Discrimination Law**

This seminar was jointly organised by CCPL and the Diversity Initiative. Four panels, comprised of individuals representing business, religious, European and International Standards and the Hong Kong experience discussed the impact and desirability of anti-discrimination laws to protect individuals from discrimination based on sexual orientation.

##### Conference Presenters:

<i>Farzana Aslam</i> University of Hong Kong	<i>Conan Yin</i> University of Hong Kong
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<i>Amanda Yik</i> Community Business	<i>Benny Tai</i> University of Hong Kong
<i>James Wang</i> Barclays	<i>Michael Vidler</i> Vidler & Co. Solicitors
<i>Marco Wan</i> University of Hong Kong	<i>Eric Cheung</i> University of Hong Kong
<i>Cyd Ho</i> Legislative Council of Hong Kong	<i>Puja Kapai</i> University of Hong Kong
<i>Kelley Loper</i> University of Hong Kong	<i>Lech Garlicki</i> European Court of Human Rights
<i>Ernest Lim</i> University of Hong Kong	

6 April                    **In Quest of Truth and Justice: The Role of Law and Religion in Pluralistic Societies**

This seminar was jointly organised by the Faith and Global Engagement Initiative, the Centre for Comparative and Public Law, and the Centre for Christian Faith and Public Values, Chinese Graduate School of Theology. The symposium was also a part of the Transforming the World through Faith and Law, an international assembly of legal professionals held on 4 - 8 April 2013 in Hong Kong and co-organized by the Faith and Law Around the Globe, (FLAG) an initiative of Campus Crusade for Christ, Advocates International, and the Faith and the Global Engagement Initiative at HKU.

2012

23 November            **The Death Penalty in Asia**

This was a three-day event co-hosted by Amnesty International which was comprised of private workshop/panel discussions and a public lecture. The event brought together over 40 members of the Against Death Penalty Asian Network from across Asia.

**Public Lecture Speakers:**

*Yug Mohit Chaudhry*  
Advocate, Bombay High Court

*Teng Biao*  
Director, China against Death Penalty

*Christine Chung*  
Human Rights Officer, Office of High Commissioner for Human Rights

9 June **Legal Measures to Address Mainland Births in Hong Kong**

This symposium canvassed views on the different legal problems which have arisen in Hong Kong as a result of the rising number of children born in the city whose parents are not permanent residents. The symposium provided a platform for deliberation on different viewpoints on the social, legal and administrative options available to deal with this growing segment of the Hong Kong population.

**Keynote Speakers:**

<i>Professor Johannes Chan, SC (Hon)</i> Dean, Faculty of Law, HKU	<i>Hon Alan Leung, SC</i> Member of the Legislative Council and Leader of the Civic Party
<i>Professor Albert H.Y. Chen</i> Chan Professor in Constitutional Law, Faculty of Law, HKU	<i>Professor Benny Tai</i> Associate Professor, Faculty of Law, HKU
<i>Mr. Johnny Mok, SC</i> Member of the Basic Law Committee	

9 June **Land Expropriation: Rights Defense and Law**

CCPL plays host to a series of annual conferences co-organized by the China Human Rights Lawyers Concern Group. The conference provides a forum for Beijing human rights lawyers to speak on key human rights issues in China. In 2012, the focus of the conference was the concept of land justice and the defense of social and economic rights. Participants included social activists, lawyers and legal professors from Hong Kong, Taiwan and Mainland China who shared insights on the effectiveness of land expropriation policies.

**Speakers included:**

<i>Professor Benny Tai</i> Associate Professor, Faculty of Law, HKU	<i>Hon Albert Ho Chun-yan</i> Solicitor, Legislator, Chairman, China Human Rights Lawyers Concern Group
<i>Chu Hoi Dick</i> Spokesperson, Local Action	<i>Miss Lee Ming Chih</i> Taiwanese Human Rights Lawyer

21 April **What is Happening to Our Political System?**

This event was the fourth in the CCPL/NDI Hong Kong Political Reform Series – a partnership which began in 2009. The Hong Kong Political Reform Series is a conference series which seeks to promote dialogue among different sectors of the Hong Kong polity. The

conference was timed to review the upcoming Chief Executive and Legislative Council Elections.

**Keynote speakers:**

<i>Allen Lee</i> Former Member, National People's Congress	<i>Joseph Lian</i> Columnist, Hong Kong Economic Journal, Former Member, CPU
<i>Ray Yep</i> Research Director, SynergyNet	<i>Professor Anthony Cheung</i> Non-Official Member, Executive Council
<i>Horace Cheung</i> Vice Chairman, DAB	<i>Professor Joseph Cheng</i> Former Secretary-General, Civic Party
<i>Professor Michael DeGolyer</i> Director, Hong Kong Transition Project	

2011

16 & 17 Dec      **4<sup>th</sup> Asian Constitutional Law Forum**

The Asian Constitutional Law Forum provides an opportunity for constitutional law scholars in the region to establish academic exchanges and share their research. The first Forum was held at the Seoul National University, Korea in 2005, the second at the Center for Asian Legal Exchange of Nagoya University, Japan in 2007, and the most recent, in 2009 was organized by the College of Law at National Taiwan University. The Forum attracted over 60 speakers from across 17 jurisdictions. A book comprised of key papers presented at the conference is expected to be published in 2014.

**Panelists:**

<i>Tom Ginsburg</i> University of Chicago	<i>Shojiro Sakaguchi</i> Hitotsubashi University
<i>Kevin Tan</i> Singapore University	<i>Jongcheol Kim</i> Yonsei University
<i>Zhenmin Wang</i> Tsinghua University	<i>Jiunn-rong Yeh</i> National Taiwan University College of Law
<i>Wen-Chen Chang</i> National Taiwan University College of Law	<i>Johannes Chan</i> University of Hong Kong
<i>Bui Ng Son</i> University of Hong Kong	<i>Gonzalo Villalta Puig</i> Chinese University of Hong Kong
<i>Cora Chan</i> University of Hong Kong	<i>Richard Cullen</i> University of Hong Kong
<i>Kelley Loper</i> University of Hong Kong	<i>Mingsiang Chen</i> Tamkang University
<i>Jagannatham Begari</i>	<i>Xin Fu</i>

Hyderabad University	Chinese University of Hong Kong
<i>Hong Sik Cho</i> Seoul National University	<i>Anne Cheung</i> University of Hong Kong
<i>P.Y. Lo</i> Barrister-at-law	<i>Jacques de Lisle</i> University of Pennsylvania
<i>Yash Ghai</i> University of Hong Kong	<i>Surya Deva</i> City University of Hong Kong
<i>Li-ann Thio</i> University of Singapore	<i>Raul Pangalangan</i> University of the Philippines
<i>Mike Dowdle</i> National University of Singapore	<i>Yahong Li</i> University of Hong Kong
<i>Xin He</i> City University of Hong Kong	<i>Erip Ip</i> University of Oxford
<i>Benny Tai</i> University of Hong Kong	<i>Uday Shankar</i> Indian Institute of Technology
<i>T. Devidas</i> National Law School of India	<i>Venudhar Routiya</i> Chhattisgarh Legislative Assembly
<i>Domenico Amirante</i> University of Naples II	<i>Tokuji Matsudaira</i> University of Tokyo
<i>Keigo Komamura</i> Keio University	<i>Masum Billah</i> Jagannath University
<i>David Pimentel</i> University of Sarajevo	<i>Noriyuki Asano</i> Osaka Ohtani University
<i>Yasuo Hasebe</i> University of Tokyo	<i>Albert Chen</i> University of Hong Kong
<i>Jamin Gintang</i> Universitas Pelita Harapan	<i>Rudy</i> University of Lampung
<i>Fritz Edward Siregar</i> University of New South Wales	<i>Herminio Harry L. Roque Jr.</i> University of the Philippines
<i>Dian Abdul Hamed Shah</i> Duke University	<i>Jianlin Chen</i> University of Hong Kong
<i>Michiko Mizuno</i> Nagoya University	<i>Puja Kapai</i> University of Hong Kong
<i>David Stephen Law</i> Washington University, St. Louis	<i>Haig Patapan</i> Griffith University
<i>Po Jen Yap</i> University of Hong Kong	<i>Bjoern Dressel</i> Australia National University
<i>Woo-young Rhee</i> Seoul National University	<i>Younghoa Jung</i> Chonbuk National University
<i>Mun Hyun Koh</i> Soongsil University	<i>Jugnee Amarsanaa</i> Constitutional Court of Mongolia
<i>Jong-ik Chon</i> Seoul National University	<i>Jimmy Chia-Shin Hsu</i> Institutum Iurisprudentiae
<i>Cheng-Yi Huang</i> Institutum Iurisprudentiae	<i>Frederick Chao-Chun Lin</i> National Taipei University

<i>Cheryl Saunders</i> University of Melbourne	<i>Guobin Zhu</i> City University of Hong Kong
<i>Hoong Pun Lee</i> Monash University	<i>Nadirsyah Hosen</i> University of Wollongong

13 & 14 Dec      **Post-Conflict Justice Workshop**

This workshop, led by Professor David Pimental of Sarajevo University and the Florida Coastal School of Law, was designed to give an introduction to the role justice plays in promoting peace and reconciliation in a post-conflict environment and to debate the challenges inherent in establishing the Rule of Law in post-conflict societies.

26 November      **Resolving Land Disputes in East Asia**

This workshop, jointly organised with the Asia Pacific Business Regulation Group at Monash University, investigated the role and limits of law in resolving land disputes in greater China (including Hong Kong and Taiwan) and Vietnam. Speakers examined how courts (and other dispute resolution fora) use law and/or other regulatory sources to resolve disputes about ownership and access to land. Professors Fu Hualing and John Gillespie edited a volume of papers from the conference to be published in 2014.

**Panelists Included:**

<i>Professor John Gillespie</i> Monash University	<i>Professor Say Goo</i> University of Hong Kong
<i>Ms Alice Lee</i> University of Hong Kong	<i>Dr He Xin</i> City University of Hong Kong
<i>Professor Lin Duan</i> National Taiwan University	<i>Dr Cheng Jie</i> Tsinghua University
<i>Eva Pils</i> Chinese University of Hong Kong	<i>Haochen Sun</i> University of Hong Kong

12 November      **Beyond Asylum: Refugee Policy in Practice and How Refugees Experience It**

In this symposium, key actors from Hong Kong, Japan, Korea, Macau and Taiwan were brought together to identify gaps and solutions, debate the key issues, and challenge misconceptions about the most vulnerable population in Asia: refugees. The symposium was coordinated by the East-Asia Working Group of the Asia Pacific Refugee Rights network (APRRN) and was jointly organised by CCPL, the Consulate General of Canada, Christian Action, The Hong Kong Refugee Advice Centre, International Social Services, Japan Association for Refugees, Mediciens Sans Frontieres, UNHCR, SoCO, the Taiwan Foundation for Democracy and Vision First.



**Panelists Included:**

<i>Mark Daly</i> Barnes & Daly	<i>Peter Barnes</i> Barnes & Daly
<i>Kelley Loper</i> University of Hong Kong	<i>Adrielle Panares</i> International Social Services
<i>Paul Bottrill</i> Christian Action	<i>Kosmo Beatson</i> Vision First
<i>Annie Lin</i> SoCO	<i>Richard Tsoi</i> SoCO

10 November      **Symposium on Charity Law**

The Symposium on Charity Law was jointly organised with the Faculty of Social Sciences. The event provided a forum for NGOs, practitioners, academics and government officials to discuss their perspectives on Charity Law in Hong Kong.

**Speakers included:**

<i>Bernard Chan</i> The Hong Kong Council of Social Services	<i>Professor Jonathan Garton</i> School of Law, University of Warwick
<i>Benny Tai</i> University of Hong Kong	<i>Reverend Chi-Wai Wu</i> Hong Kong Church Renewal Movement
<i>Mabel Au</i> Amnesty International Hong Kong	<i>Eliza Lee</i> University of Hong Kong

10 – 13 October      **Power and Dynamics of Civil Resistance**

The Power and Dynamics of Civil Resistance educational seminar was led by academic advisors and staff of the International Centre on Nonviolent Conflict. Over a four-day programme, participants were provided an in-depth and multi-disciplinary perspective on civilian-based movements and campaigns defending basic rights and justice around the world with the use of non-violent tactics and strategies.

17 September      **ONC Conference on Law Reform**

With the generous support of ONC Lawyers and sponsorship by LexisNexis, CCPL hosted the 2011 ONC Conference on Law Reform. The event attracted numerous prominent local and international jurists, and lively discussions of the key issues and stumbling blocks to achieving law reform in Hong Kong were had between panellists and audience members. The papers from the conference will be published in an edited collection entitled *Reforming Law Reform: Perspectives on Law Reform Processes in Hong Kong and Beyond*, by Hong Kong University Press around the end of 2013. The opening address for the conference was delivered by the presiding Hong Kong Secretary for Justice, Wong Yan-lung, SC.



- 26 April *Phil C. W. Chan*  
PhD Candidate, National University of Singapore,  
Visiting Fellow, Centre for Comparative and Public Law, HKU  
**Represent a Refugee Client with the Hong Kong Refugee Advice Centre**  
*Lindsay Ernst, HKRAC Representatives, former student participants in the Refugee Stream of the Clinical Legal Education Programme*
- 25 April **Prosecutorial Independence – Especially of the DPP**  
*Nicholas Cowdery*  
Professor and Former Director of Public Prosecutions, NSW
- 18 April **Public Dispute Resolution in Hong Kong: A Practitioner’s Note**  
*Jat Sew-Tong, SC, JP*  
Chairman, Independent Police Complaints Council
- 27 March **Cyber-bullying: Should the school make a tougher stand?**  
*Jocelyn Cruz*  
Vice-Dean, College of Law, De La Salle University, Manila
- 22 March **Singapore’s Death Penalty Changes – Too little too late or the beginning of the end?**  
*Professor Michael Hor*  
Faculty of Law, National University of Singapore
- 20 March **A Prosecutor in a Modern Society: Upholding the Rule of Law and Respecting Rights and Freedoms**  
*Kevin Zervos*  
Director of Public Prosecutions, Hong Kong Department of Justice
- 11 March **The Current Constitutional Crisis in Egypt**  
*John B. Attanasio*  
Judge Noel Dean & Judge Atwell Chair of Constitutional Law  
SMU Dedman School of Law
- 25 February **Judging Immigration: National Privilege and International Duties**  
*Mark Ockelton*  
Vice President of the Upper Tribunal, Immigration and Asylum Chamber
- 18 February **Terrorism and the Global Rule of Law**  
*Valsamis Mitsilegas*  
Director, Criminal Justice Centre, Head, Department of Law, Queen Mary University of London
- 8 January **Judicial Appointments in the Senior Courts**  
*Charles Banner*  
Landmark Chambers
-



*Lord Anthony Lester, QC*  
Blackstone Chambers

- 2 November      **A Dialogue with Lord Anthony Lester, QC**
- 24 October      **The Prevention of the Placement of Weapons in Outer Space and the EU Code of Conduct: A New Perspective on the International Law of Arms Control in Outer Space**  
*Maria Pozza*  
PhD Candidate, Faculty of Law and Department of Politics, University of Otago
- 7 September    **International Treaties and Citizenship Law in the 19th Century**  
*Professor Norbert Varga*  
Department of Hungarian Legal History University of Szeged (Hungary)
- 26 June          **“In the World of the Survivor” International Day Against Torture 2012**
- |  |   |
|--|---|
| <i>W.J. Basil Fernando</i><br>AHRC                       | <i>Bushra Khaliq</i><br>Women in Struggle for Empowerment |
| <i>Danilo Reyes</i><br>AHRC                              | <i>Mark Daly</i><br>Barnes & Daly Solicitors              |
| <i>Adrielle Panares</i><br>International Social Services | <i>Alison Mackay</i><br>Christian Action                  |
| <i>Aleta Miller</i><br>Hong Kong Refugee Advice Centre   |   |
- 21 June          **Behavioural Science Evidence and the Courts: Providing Support to Victims of Torture in the Courtroom and Beyond**  
*Dr. Rajat Mitra*  
Clinical Psychologist
- 29 May          **Prosecutorial Freedom: Why Hong Kong needs an Independent Director of Public Prosecutions**  
*Grenville Cross, SC*  
Vice-Chairman of the Senate, International Association of Prosecutors
- 7 May            **Global Mining and the Challenges of Transnational Corruption, Conflict Minerals and Money Laundering**  
*Dr. David Chaikin*  
Associate Professor University of Sydney School of Business

- 23 April **Cross-Strait Crime-Fighting: Mutual Legal Assistance Between Taiwan and Mainland China**  
*Mr. Lin Yenliang*  
Visiting Fellow, Centre for Comparative and Public Law,  
Senior Prosecutor of Ministry of Justice, Taiwan (ROC)
- 19 April **The Dangers in Changing the Law of Double Jeopardy - A Lesson from England & Wales**  
*Julian Young and Judy Ramjeet*  
Solicitor Advocates, Julian Young & Co, UK
- 16 April **Is Unlawful Downloading Really Stealing?**  
*Professor Stuart Green*  
Rutgers Law School
- 30 March **Segregation of Church and State and the Impact on Religious Freedom with Emphasis on the U.S. Experience**  
*Brad W. Dacus*
- 26 March **The Role of “Human Dignity” in a World of Plural Values and Ethical Commitments**  
*Professor Adeno Addis*  
Tulane University School of Law
- 15 March **Strategies of Liberalization**  
*Judge Stephen Williams*  
Senior Circuit Judge, United States Court of Appeals,  
District of Columbia Circuit
- 8 March **International Humanitarian Law and its Contemporary Challenges**  
*Mr. Guo Yang*  
Legal Officer, Regional Delegation for East Asia,  
International Committee of the Red Cross (ICRC)
- 16 February **Implementing the Convention on the Rights of Persons with Disabilities in China: Challenges and Opportunities**
- |                                   |  |
|-----------------------------------|--|
| <i>Diane Richler</i>              | <i>Carole Petersen</i>   |
| International Disability Alliance | Spark M. Matsunaga Institute for<br>Peace and Conflict Resolution,<br>William S. Richardson School of<br>Law, University of Hawaii |
| <i>Zhang Wei</i>                  | <i>Chong Chan Yau</i>  |

Enable Disability Studies Institute      Hong Kong Blind Union

20 January

**Sex Offender Registries: The U.S., Europe & Interpol**

*Professor James B. Jacobs*

*Warren E. Burger Professor of Law, NYU School of Law,  
Director, Center For Research in Crime and Justice*

2011

9 December

**Equal Access and the Right to Education: Where the Medium is the Means and the End**

*Fernand de Varennes, Visiting Scholar,*

*Peking University Faculty of Law, Research Professor*

*Lam Woon-kyong*

*Hong Kong Equal Opportunities  
Commission*

*David Pimentel*

*Florida Coastal School of Law*

*Mable Chan*

*Education Bureau, HKSAR  
Government*

*Fermi Wong*

*Hong Kong UNISON*

*Puja Kapai*

*The University of Hong Kong*

*Kelley Loper*

*The University of Hong Kong*

5 December

**Who owns parliamentary privilege? The UK Parliamentary Expenses Scandal and the role of the Courts and Parliament in Defining Parliamentary Privilege**

*Ben Bridge*

*CCPL Visiting Fellow*

29 November

**The Case for Animal Welfare Legislation**

*Mike Radford OBE*

*Reader in Public Law and Animal Welfare Law, University of Aberdeen*

18 November

**Revisiting the Free Market of Religion**

*Chen Jianlin*

*Assistant Professor, University of Hong Kong*

14 November

**Graduate and Exchange Opportunities at Osgoode Hall Law School**

*Marilyn Pilkington*

*Associate Professor and former Dean,  
Osgoode Hall Law School of York University*

- 14 November **The Role of the Supreme Court of Canada as a Court of Final Appeal on Constitutional Issues**  
*Marilyn Pilkington*  
Associate Professor and former Dean,  
Osgoode Hall Law School of York University
- 7 November **The 2010 UK Bribery Act: By How Much Will the Act Affect Hong Kong Business Profitability?**  
*Bryane Michael*  
CCPL Visiting Fellow
- 4 November **Environmental Markets: A New Frontier for Asia?**  
*\*\*Co-hosted by Baker & McKenzie and the Asian Institute of International Financial Law*
- 7 October **The Responsibility to Protect and Libya in 2011: A New Principle of International Law?**  
*Professor Donald R. Rothwell*  
Professor of International Law, Australian National University College of Law, Deputy Director of the Australian Centre for Military Law and Justice
- 6 September **Imagining Biblical Law**  
*Dr. Jonathan Burnside*  
Reader, University of Bristol

### Rights Talks

In addition to the formal events described above, CCPL organised 18 informal Rights Talks in the past two years. These talks were delivered by a wide range of experts on human rights issues, including lawyers and activists from Hong Kong and other jurisdictions. While these informal gatherings were open to all, they are particularly aimed at students in the LLM Human Rights programme. The talks provided added depth to the curriculum and gave students an opportunity to see how theories of human rights can be applied in practice, both in Hong Kong and in the international community.

2013

- 20 June **Antonios Platsas**  
Reader in Comparative Law, University of Derby  
*Comparative Regional Models of Human Rights Protection: Asia as the Great Absentee*



- 15 May           **Kelley Loper**  
Assistant Professor, Director LLM(HR), Deputy Director, CCPL, HKU  
*Legal Representation for Asylum Seekers: Ensuring “High Standards of Fairness” and Respect for the Rule of Law in Hong Kong*
- 19 April           **Xigen Wang**  
Professor, Wuhan University  
*Implementing the Right to Development in the Aftermath of the Global Financial Crisis: Challenges and Prospects*
- 10 April           **Alan Schiffman**  
Partner, Skadden, Arps, Slate, Meagher & Flom
- Sonya Donnelly**  
Staff Attorney (Clinical Programmes) Hong Kong Refugee Advice Centre  
*YOUR OPPORTUNITY to engage in International Law: Law Firms, Law Students and the Value of Pro Bono Work*
- 8 April            **Kerstin Carlson**  
Assistant Professor, American University Paris  
*Rarely a Plea, Never a Bargain: Plea Bargains before the ICTY and Reconciliation in the Former Yugoslavia*
- 14 March           **Guo Yang**  
Legal Advisor, Regional Delegation for East Asia of the International Committee of the Red Cross (ICRC)  
*The Crime of Aggression & Humanitarian Intervention: A Shield for the Knights of Humanity?*
- 30 January        **Professor Jose Manuel Diokno**  
Dean, De La Salle University College of Law  
*Civic Education during Martial Law in the Philippines and Beyond*
- 18 January        **Dr Fernand de Varennes**  
Visiting Professor, University of Hong Kong, University of Pretoria, South Africa, and Vytautas Magnus University, Lithuania  
*Human Rights and Language Rights: Why they Matter*
- 2012
- 17 December      **Grenville Cross, SC**  
*Children's Rights: Why Hong Kong Needs a Children's Commission Now*
- 5 December        **Victoria Wisniewski Otero**  
Human Rights Advocate, Former Researcher, Center for Economic and Social Rights
-

*Empowering Civil Society to use International Human Rights Mechanisms for Effective Lobbying and Advocacy: Lessons Learnt from Spain before the CESCR in Times of Crisis*

29 November

**Silvia Croydon**

Fellow, Hakubi Centre for Advanced Research and Assistant Professor,  
Graduate School of Law, Kyoto University

*Institutions Intertwined: Evolving a Regional Human Rights Mechanism for East Asia*

18 October

**Jenny Yun**

Staff Attorney, HKRAC

*Law Students and the Value of Pro-bono Work: The HKU-HKRAC Clinical Legal Education Programme*

12 October

**Andrew Cayley QC**

United Nations Chief International Co-Prosecutor Extraordinary Chambers  
in the Courts of Cambodia (ECCC)

*International Criminal Law in Practice: The Challenges of Prosecuting and Defending Mass Atrocities*

27 March

**Patricia Ho**

Assistant Solicitor, Barnes and Daly Solicitors

**Aleta Miller**

Executive Director, Hong Kong Refugee Advice Centre

**Cosmo Beatson**

Executive Director, Vision First

*Current Developments, Challenges and Opportunities for the Protection of Refugees and Asylum Seekers in Hong Kong*

30 January

**Holning Lau**

Associate Professor, University of North Carolina

*Marriage Equality in the United States*

2011

8 November

**Malcolm Luey**

New Zealand Ministry of Justice

*Constitutional Dialogue Between the New Zealand Courts and Parliament - Has our "Rule of Law" story changed forever, or is this just growing pains?*

1 November

**Joey H. Lee**

Senior Hong Kong Program Manager, Human Rights in China

*Online Freedoms and the Information and Communications Technology Sector: A Human Rights Advocacy Perspective*

24 October

**Professor Carole J. Petersen**

Professor and Director, Spark M. Matsunaga Institute for Peace and Conflict Resolution, at the University of Hawaii

*Disability is Political: Implications of China's Ratification of the Convention on the Rights of Persons with Disabilities*

## Training Workshops

2013

8 June **Commit to Act, Commit to Change: Walk the Mile with Survivors of Sexual Abuse**

This workshop brought together experts from multiple stakeholder groups to examine the realities and challenges of prevention, protection and punishment of sexual offences in a range of contexts, including schools, the workplace, and homes. The programme was designed and led by current CCPL Director Puja Kapai.

2012

11-15 December **Advanced Leadership Enhancement Programme**

This training workshop for Directorate Officers of the Hong Kong Government Civil Service Bureau is a structured advanced leadership development programme which aimed to enhance directorate civil servants' core leadership competence, to empower them to think forward with imagination, to engage stakeholders with tact and results, and to gather more insight into effective governance and management. The programme consisted of two 4-day modules, namely "Module I - Policy and Governance" and "Module II - Leadership & Public Service Delivery" respectively. Deputy Director Benny Tai served as Consultant on the Programme, a role which involved content design and delivery.

21 May

**Workshop on Research Training**

CCPL Fellow Professor Karen Kong designed and conducted this training session for the Legislative Council Secretariat, designed to enrich participants' knowledge in research sources, methodologies, strategies and findings presentation. The Workshop was attended by 76 participants, including 46 Secretariat staff members and 32 Members' Assistants.

2011

11-15 December **Advanced Leadership Enhancement Programme**

Under the leadership of Deputy Director Benny Tai, CCPL hosted the Advanced Leadership

Enhancement Programme for Directorate Officers of the Hong Kong Government Civil Services for the second year running in 2011. For details on the structure of the programme, please see the descriptor in the list of 2012 Workshops, above.

### Refugee Legal Assistance Clinic

In January 2010, CCPL launched its first credit-bearing clinical legal education scheme, in conjunction with the Hong Kong Refugee Advice Centre. The HKU-HKRAC Clinical Legal Education Programme is offered to undergraduate and post-graduate students in the Faculty of Law and allows students the opportunity to learn both the theory and practice of domestic and international refugee law under the direct supervision of the HKRAC's Head of Clinical Programs. Students attend a two-day intensive training weekend, observe and perform client registration and intake interviews, write client testimonies, undertake country of origin research and submit a legal brief. The initiative provides unique opportunities for law students to gain practical legal skills by experiencing the law in action outside the classroom. The students' work has also had significant impact. In the Spring 2010 intake, all of the clients assisted by the eight registered students were granted refugee status!

#### *2011 -2012 Clinic Participants*

##### **September 2011**

Bryan Ka Hei Lee, BBA (LAW) 3  
Christina Lok Ling Tsang, JD  
Robyn Crowter, JD  
Sharon Mei Yuen, BBA (LAW) 3  
Rebecca Stulberg, JD

##### **January 2012**

Anson Yu Yat Wong, BBA (LAW) 3  
Angeline Chan, LLB 3  
Dickson Tat Sang Wong, BBA (LAW) 3  
Ophelia Yiu Yu Chan, LLB 3

#### *2012 -2013 Clinic Participants*

##### **Summer 2012**

Edgar Kwan, BBA (LAW) 3  
Brian Kwok, BBA (LAW) 3  
Sofia Nordengren, LLB 3  
Grace Yu Ying Chi, LLB 4

**September 2012**

Rabika Nabi, LLM (HR)

Viviana Chiu Sik Wu, BSC GOV'T &amp; LAW 4

**January 2013**

Daniel Yip, JD

Jane Zhuangsi Xu, LLM (HR)

Shaphan Marwah, PCLL

**2013 -2014 Clinic Participants****Summer 2013**

Gladys Hei Wun Chan, LLB 2

Emily Hiu Tung Cheng, LLB 2

Alice Ming Yan Tong, LLB 4

Alan Yihui Wen, MCL

Josephine Man Ying Wong, LLB 2

Geoffrey Ka Wai Yeung, LLB 2

**Other Events and Activities****2012 & 2013****May/June Western Chinese Scholars Programme**

CCPL, in conjunction with the Norwegian Human Rights Centre organises an annual visit for scholars from Western China who were former participants in a 2-week workshop on international human rights law in Norway. The programme gave the scholars a chance to share their research-in-progress, obtain feedback from faculty and foster academic/research networks. Activities included attendance at CCPL seminars and conferences and individual research meetings with scholars engaged in related research.

**Knowledge Exchange with the Community****Human Rights Portal [www.law.hku.hk/hrportal](http://www.law.hku.hk/hrportal)**

With funding assistance from an award by the Knowledge Exchange Office of the University of Hong Kong, the aim of this project is to launch a comprehensive, accessible and user-friendly

website which collates human rights materials produced by CCPL, members of the HKU Faculty of Law, international human rights bodies, international and regional NGOs, governments, law-making bodies, public policy officials, academics and students. The website was officially launched on 15 October, 2012 and to date has had over 3,000 visitors from across 72 jurisdictions. The Portal's Facebook page currently has 241 'Likes'. The Human Rights Portal was awarded the HKU Faculty Knowledge Exchange Award for 2013.

### Research Grants and Projects Housed in CCPL

A table of current and completed projects, may be found in **Appendix 3**.

#### *New Projects*

##### *The Legal Enforcement of Contracts and Loan Agreements: The Role of Cultural Values in Theories of Consent and Vitiatio*

This project is led by Puja Kapai and funded by the Research Grants Council (RGC)'s General Research Fund.

##### *Towards the Development of a Human Rights Impact Assessment for Social Welfare Policies in Hong Kong*

Karen Kong was awarded this HKU Small Project Funding grant in June 2013.

##### *Legally Unrepresented Persons in the Civil Courts in Hong Kong*

This is a new project led by Antonio Da Roza funded by the HKU Seed Funding Programme for Basic Research.

##### *The Implementation of International Refugee Law in Asia*

This is a new project led by Kelley Loper funded by the HKU Seed Funding Programme for Basic Research.

##### *Judicial Deference in Constitutional Rights Adjudication: Constructing an Approach for Post-Handover Hong Kong*

CCPL Fellow Cora Chan leads this project, funded by the Research Grants Council (RGC)'s General Research Fund.

***Proportionality, Intensity of Review and the Integrity of Proportionality***

CCPL Fellow Cora Chan was awarded this Small Project Funding grant in June 2012.

***Constitutional Reform and Democratization in Hong Kong***

CCPL Fellow Albert Chen was awarded this Small Project Funding grant in January 2011.

***Revisiting the Religious Free Market: Comparative Analysis of East Asian Societies***

CCPL Fellow Chen Jianlin is the primary investigator on this project, which was awarded Seed Funding under the Programme for Basic Research in December 2011.

***International Best Practices on Children's Rights Education: A Comparative Research Study of Hong Kong, the United Kingdom, Norway and Australia***

This project led by Puja Kapai and is funded by the Small Project Fund.

***Gallant Ho Experiential Learning Award***

Professor Simon Young was awarded funding from the Gallant Ho Experiential Learning Fund in January 2013 to support and enhance CCPL's Clinical Legal Education Programme.

***ONC Law Reform Project***

At the initiative and sponsorship of ONC Lawyers, CCPL and ONC Lawyers are collaborating to organise a series of conferences on law reform in Hong Kong. The project is led by Simon Young and Professor Michael Tilbury working in conjunction with ONC Lawyers' Ludwig Ng. The conference was held on September 17, 2011; eminent international experts on law reform presented papers that reflected on possible ways for Hong Kong to take its law reform process forward. HKU Press has agreed to publish the edited collection from this event. The book, entitled *Reforming Law Reform: Perspectives on Law Reform Processes in Hong Kong and Beyond*, is expected to be published around the end of 2013.

***Design Democracy Project***

CCPL has been awarded funding from the National Democratic Institute (NDI) to design and implement an online *Models of Universal Suffrage* portal where the general public can discuss and provide feedback and ideas on which method of universal suffrage is most suitable for Hong Kong. The project is currently staffed by a full-time Research Assistant, two part-time Student Research Assistants and a summer intern.

### *Ongoing Projects*

#### *Cleaved International Law: Complementarity and Conflict between Branches of International Law*

CCPL Fellow James Fry is the principle investigator on this project, which is funded by the General Research Fund.

#### *Faculty KE Award 2013*

Professor and former CCPL Director Simon Young was awarded the Faculty KE Award for the year 2013 for his project the Human Rights Portal.

#### *CAT Research Projects*

These projects are led by Simon Young with the assistance of Kelley Loper and Sharron Fast. They involve the preparation of an operational manual and database of resources to assist those who advise and handle the screening of torture claims in Hong Kong. The senior and student researchers that have assisted with the project include Che Singh, Gabrielle Curtis, Katherine Chan, Lily Chan, Ben Chan, Giselle Yuen, Robert Chan, Steven Lee and Crystal Lai. The project is funded by the Department of Justice.

#### *Projects Completed in 2011-2013*

CCPL completed several contract research projects including the ICAC project, the project on comparative anti-stalking laws commissioned by the Constitutional and Mainland Affairs Bureau, and the consultancy report for the Water Supplies Department. Other projects completed included the following.

#### *Civil Society Development in China: The Pivotal Role of Public Interest Lawyering*

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In this research project, principal investigator Fu Hualing and co-investigator Richard Cullen documented the development of public interest lawyering in China. The project also provided a comprehensive review of the way in which reform of the judicial and practicing arms of the legal profession are interacting, to enhance understanding of the way in which legal transformation, in general, and the development of public interest lawyering in particular are each significantly reshaping civil society in China.

### *Democracy, Human Rights and Civil Society Sub-Theme*

Simon Young was the co-convener of this HKU Strategic Research sub-theme with Professor Joseph Chan. This project examined how Hong Kong should develop in the next 10-20 years to reach standards in democracy, human rights and civil society seen in leading world cities. While project funding ended in October 2010, the project will continue indefinitely.

### *Diversity Studies*

Despite Hong Kong's status as an aspiring "world city", there has been minimal study of the nature and impact of diversity on the SAR's development. Given the extensive immigrant population in Hong Kong and growing social and economic disparities there is a need for more targeted efforts to tackle the complex dynamics that result from an intermingling of diversities. This study, led by Puja Kapai and Kelley Loper, conducted research supported within the broader framework of a diversity theme that would have important practical applications for legal, policy, economic, social, and cultural reform in Hong Kong. Examples of completed and ongoing research relating to diversity conducted within other faculties include projects on: (1) minority languages in China; (2) minority education; (3) gender identity development and transgender; (4) disability and education; (5) poverty and social exclusion of communities; (6) digital inclusiveness in Hong Kong; and (7) integration of new immigrants in Hong Kong. This project was funded by a Hong Kong University Emerging Strategic Research Theme grant.

### *Enhancing Legal and Policy Measures to Combat Domestic Violence Against Immigrant and Ethnic Minority Women in the HKSAR*

This study, led by Puja Kapai proposed to interview and work closely with immigrant and ethnic minority women who have experienced domestic violence in Hong Kong with a view to determining the actions they took (if any), their perceptions of the services received (if any), the obstacles (if any) they faced in doing so, positive and negative outcomes of their help-seeking behaviour and their views on how effectiveness could be improved to address their immediate needs. It is hoped that this information will serve to highlight the critical gap between the laws, policies and social support and services that are available to help victims of domestic violence generally and the actual needs of this neglected group. This information will help confirm the existence of a severe service gap which is potentially a grave human rights violation of the rights of all these women who fail to elicit adequate responses from the domestic violence laws and services in HK. The information obtained through the study will be used to inform and improve awareness of practitioners in the field (legal, social services, law enforcement, health) by providing training on culturally-sensitive responses to immigrant and ethnic minority women. Moreover, the findings of the study will be written up into a report and widely disseminated to relevant government departments and the HK Legislative Council to deliberate on and attend with urgency to the findings and implications of the study so that the HK government can address the gaps by putting effective policies and directives into place.

*In Search for a Principled Approach to Judicial Deference: Constitutional Rights Review Local and Abroad*

The objective of the first part of this project, led by Cora Chan, was to outline a set of workable principles to guide court's decision regarding when and to what extent to defer (the language of deference is to be preferred over the language of non-justiciability). The focus was on devising an approach to deference in constitutional rights review. Some of the principles of deference suggested to be applicable in the constitutional rights review context were applicable generally to judicial review in other areas of law as well, but some principles were unique to the context of constitutional rights review. The second part of the project analysed the approach to deference that Hong Kong courts have taken since the introduction of constitutional rights review by the Bill of Rights Ordinance (1991-2010), and applied the findings of the first part to the context of Hong Kong, assessing what the variables of the principles turn out to be in Hong

Kong, thus suggesting an approach to judicial deference that is tailored to suit the unique constitutional and political circumstances of the jurisdiction.

### *Legal Assistance for Asylum Seekers and Torture Claimants in Hong Kong*

The principal investigator of this project was CCPL Deputy Director Kelley Loper, with Director Simon Young acting as co-investigator. The research project aimed to identify and examine relevant legal assistance schemes in other international common law jurisdictions of comparable economic development. It determined gaps in Hong Kong law and policy and then assessed whether any elements of the comparative models investigated in this study are appropriate for adoption in the Hong Kong context. The models were measured by their ability to protect the rights of claimants, including the right to non-*refoulement* (non-return to torture or persecution), and to ensure fair and efficient procedures. The project was funded by a Public Policy Research grant from the Research Grants Council.

### *The Identity Curia: Legal Requirements for an Adequately Reflexive Identity Layer*

This project aimed to identify and understand the legally necessary and desirable features of a distributed technological platform for collaborative decision making on personal attributes of living persons (The Identity Curia). It comprised a mapping out of the legal constraints for the development of a platform as such vis-à-vis current and potential socio-technical arrangements of an identity layer for the Internet; and the advancement of basic interdisciplinary contributions as to how a human-machine interface for a system as such could be developed in accordance with the legal constraints mapped out. The project was led by Marcelo Thompson.

### *Reclaiming the Fair Use Privilege as Users' Collective Rights*

The project shed new light on the nature of the fair use doctrine and its role in protecting the public interest in the flow of knowledge and information. It repudiated the conventional wisdom that sees the nature of the fair use doctrine as merely providing every user of copyrighted works with an individual right. The project then illustrated how and why the fair use privilege should be reconceptualised as users' collective rights. Haochen Sun is the principal investigator of the project.

### *Hong Kong's Court of Final Appeal*

The principal investigator of this research project was Simon Young and the co-investigator Yash Ghai. The research was funded by the Research Grants Council of Hong Kong. The project aimed to review the first decade of the Court of Final Appeal (CFA) in a comprehensive and systematic manner. Researchers collected quantitative data on the operation of the CFA and its decided cases comparing this with similar data in respect of the last decade of appeals to the Privy Council. Comparative analysis was done with the Macao Court of Final Appeal since its creation in 1999. From the quantitative data, comparative analysis, and a close examination of all of the CFA judgments, the goal of the project was to gain original and substantial knowledge of how the CFA has developed the law in Hong Kong since 1997. The investigators held a two-day conference in March 2010 to present their findings, which was attended by numerous members of the Hong Kong Judiciary, including the former Chief Justice, Andrew Li. Papers submitted at the conference formed the subject of a draft book proposal later approved by Cambridge University Press. The book will be published in the fall of 2013. In addition, *Hong Kong Lawyer* magazine in its August 2010 special tribute issue to Chief Justice Li on his retirement published some preliminary results from the project.

### *Suspended Sentences and Excepted Offences Project*

CCPL completed a comparative sentencing law project focused on exceptions to the suspended sentence power under Hong Kong's Criminal Procedure Ordinance in September 2012. The research considered arguments for maintaining, abolishing or reforming the list of excepted offences for which offenders cannot receive a suspended sentence of imprisonment regardless of the circumstances. The project was funded by the Law Society of Hong Kong. In June 2013, the Law Reform Commission of Hong Kong (HKLRC) published a consultation paper that expressly agreed with the recommendations in the CCPL report, which was uploaded to the HKLRC website for public access.

### *Climate Change and the Courts: The Emergence of Climate Change Litigation*

The purpose of this project was to investigate the emergence of climate change litigation, and the consequent role that the courts and legal processes play in climate change governance. The principal investigator of the project was Jolene Lin.

### Other Projects

#### *International Law in Domestic Courts*

Simon Young and Firew Tiba were invited in June 2008 to be Hong Kong reporters for International Law in Domestic Courts Online (ILDC), a project launched by the Amsterdam Center for International Law with Oxford University Press in 2007. CCPL continues to report and summarize Hong Kong cases that address international law issues. The online service is available at: [www.oxfordlawreports.com](http://www.oxfordlawreports.com).

### Publications

#### *Occasional Papers*

The Centre published five Occasional Papers between 2011–2013. Former Visiting Fellows Aung Htoo's contribution to the series, *Seeking Judicial Power, With a Special Focus on Burma's Judiciary* was published in October 2011. In November 2011, former Visiting Fellow Helen Liu published *Confiscation in Taiwan: The Laws and Ideas for Reform*. Charles Banner, who visited the Centre to deliver a seminar on the same topic, contributed *Judicial Appointments in the Senior Courts – A Perspective from the United Kingdom*. Lastly, current Visiting Fellow Bryane Michael has published two Occasional Papers, the first, in February 2013, *Can the Hong Kong ICAC Help Reduce Corruption on the Mainland* and the second and most recent, in June 2013, entitled *How to Implement Public Sector Codes of Conduct: Lessons from OECD Member States*.

#### *CCPL Rights Bulletin*

The CCPL Rights Bulletin was launched in January 2010, and received immediate positive feedback from recipients. The Bulletin seeks to disseminate information on recent human rights decisions which will be of use to Hong Kong courts and practitioners. Subject materials

include Hong Kong cases, cases in relevant common law jurisdictions where international human rights law in the domestic/municipal context forms the subject matter and the decisions of international human rights treaty bodies that monitor implementation and interpret content of treaty provisions. It is managed by CCPL Assistant Research Officer Sharron Fast. The next issue of the Bulletin will be published in August 2013.

### *Asia-Pacific Journal on Human Rights and the Law*

The *Asia-Pacific Journal on Human Rights and the Law* is an international law journal published by Brill for more than a decade. In 2013, Professors Simon Young and Kelley Loper will take over the editorship of the journal, which will be housed in CCPL. This will be the second international law journal (next to the *Hong Kong Law Journal*) managed and published out of the HKU Faculty of Law.

### *Media Advisories on Edward Snowden*

In response to the enormous media enquiries arising from Edward Snowden's two weeks of public life in Hong Kong at the beginning of June 2013, CCPL prepared and published three media advisories answering a range of questions relating to extradition/surrender law, asylum law, privacy and security laws, and other topics. The media advisories were circulated around the world and quoted in thousands of news stories.

### **Publications of Members and Projects**

A number of publications and outputs have resulted from the projects housed in CCPL. **Appendix 1** to this report lists these and other projects of Faculty members in the fields of comparative and public law.

## **LLM in Human Rights**

CCPL continues to work closely with the Faculty of Law's LLM in Human Rights Programme. The Human Rights students are encouraged to participate in CCPL events and many regularly attend CCPL conferences and public lectures. The Rights Talks, which are especially targeted

at the human rights students, provide informal opportunities to discuss current human rights issues and to meet individuals who practice in the field. The human rights students and alumni are encouraged to deliver a Rights Talk on their research or previous work in the field. CCPL also produces and regularly updates the guide: *International Human Rights Research: Selected Sources*, by Robyn Emerton and Andrew Byrnes which provides a key resource for the Seminar on Human Rights Research, Sources and Methodology, a course in the LLM Human Rights programme. It is also widely used by academics and activists conducting research in this field.

### Media Presence and Website

Scholars associated with the Centre were widely cited in local and regional media outlets in the 2011-13 period. Coverage of the launch of the Human Rights Portal and media inquiries concerning the Edward Snowden Affair in particular were extensive. (A basic Google search of the terms 'Snowden' and 'Simon Young' generated 93,000 hits.) This coverage continues to raise the international profile of the Centre. Mention of CCPL in relation to the launch of the Human Rights Portal can be found in the following English sources:

- ✦ *Voice of America*, 16 October 2012  
[www.voachinese.com/content/hku-unveils-human-rights-portal-20121016/1527283.html](http://www.voachinese.com/content/hku-unveils-human-rights-portal-20121016/1527283.html)
- ✦ *New York Times*, 21 October 2012  
[www.nytimes.com/2012/10/20/world/asia/20iht-educbriefs22web.html?\\_r=1&](http://www.nytimes.com/2012/10/20/world/asia/20iht-educbriefs22web.html?_r=1&)
- ✦ *The Review 2012 (HKU)*, December 2012  
[www4.hku.hk/pubunit/Review2012.pdf](http://www4.hku.hk/pubunit/Review2012.pdf)

Meanwhile, among the higher profile News Agencies which cited former CCPL Director Simon Young's press release on Snowden, were the following: The Guardian, The New York Times, The Financial Times, The Wall Street Journal and Reuters.

### Future Developments: 2013-2014

Associate Professor Puja Kapai will lead the Centre as its new Director in 2013. In the coming months, CCPL will also welcome numerous international scholars as Visiting Fellows. Their

role during their time at the Centre is to further their individual research projects, interact with the local academic community and give public talks on their findings.

*Visiting Fellows programme*

The Centre's current visitors are Bryane Michael and Simon Hoey Lee.

**Dr. Bryane Michael** is currently a Fellow with the University of Hong Kong Faculty of Law's Centre for Comparative and Public Law and the Asian Institute of International Financial Law. As a jurist, he specialises in the design of legislation, regulation and contracts using tools from law, economics, management theory and public administration. His professional background includes 5 years with the World Bank and OECD and over a decade of work with the EU and UN advising governments of Turkey, Russia, Ukraine, Bulgaria and others. His private sector background includes advising a top 3 Wall Street investment house and seats on the Boards of several UK and Hong Kong organisations. His academic background includes teaching at Oxford and recently Columbia. He has taught over 8,000 senior executives and over 500 undergraduate and graduate students using one-to-one Oxford-style Socratic tutorials and Harvard-style case study methods. He has done his graduate work at Harvard and Oxford, and holds certificates from Harvard Business School, the London School of Economics, a Series 7 (stockbrokers license), Series 66 (investment advisor's license), a US insurance license (TX) and a Certified Internal Auditor qualification. He speaks English, Spanish, French, Russian, Turkish and about 500 characters of Chinese.

**Dr. Simon Hoey Lee** is the Director of Hong Kong & Macao Centre for Strategic Research Institute at China Resources Ltd. His research interests include Hong Kong Basic Law, Chinese legal system and constitutional law. Dr. Lee is a consultant to the Harvard Law School (Program on International Financial Systems). He has also served as the Deputy Governor in the Xifeng County of GuiZhou Province with his legal expertise in 2009-2012. His recent publications include "A Study on the Hong Kong Basic Law Drafting Materials", and "Hong Kong Basic Law: Case Studies" (in Chinese) published by the Joint Publisher in 2012. During his fellowship at the Centre, he intends to further his research on the Hong Kong Basic Law.



Phil C.W. Chan graduated from HKU with the Rowdget W. Young Medal in Law in 2002 and from Durham with an LLM in 2004. He served as Researcher in the Hong Kong office of Baker Botts in 2005 and in visiting research positions in law, international relations and Asian studies at Cambridge, Keele, St Andrews, ANU, Toronto, Ottawa, Freiburg and Vanderbilt during 2006–2008, and as Visiting Research Fellow at Otago and Lecturer in Law at Waikato during 2010–2011. During his visit at the Centre between April and July 2013, in addition to developing his PhD thesis (National University of Singapore) on the symbiotic relationship between China’s exercise of sovereignty and the international legal order for publication as a monograph, he will undertake research on how immigration law has historically been used to discriminate against Chinese immigrants, and on the implications of British National (Overseas) status in international and municipal law. He will also give a seminar based on his thesis.

In the coming months, the Centre for Comparative and Public Law will welcome numerous international scholars as Visiting Fellows. Research conducted by Visiting Fellows represents a range of areas in the fields of public and comparative law, including international law, constitutional law, human rights law, comparative private law, Chinese law, and equality law. Their role during their time at the Centre is to further their individual research projects, interact with the local academic community and give public talks on their findings. Future visitors include: Professor Norbert Varga, who will host a seminar on the constitutional construction of the Austrian-Hungarian monarchy; Professor Lingling Ye of Kumamoto University of Japan, who will further her research in the actual practices of the ‘One Country, Two Systems’ policy; and Attorney Z. Zac Liu of Liu & Associates PLLC who will spend his time at the Centre furthering progress on his upcoming book *China’s Pursuit of the Rule of Law*.

### Final Word

After six years at the helm, I have stepped down from the CCPL Directorship at the beginning of July 2013. I have enjoyed immensely the chance to work with so many people and organizations, both locally and internationally, in furthering the Centre's aims. While CCPL has grown considerably in its activities and significance, the size of the core staff has remained

relatively the same. I take this opportunity to thank my deputy directors, Puja Kapai, Kelley Loper and Benny Tai, for all their contributions. I am extremely grateful for the hard work and dedication of our Centre secretary, Flora Leung, research officer, Sharron Fast, and research assistant, Winnie Chan. I especially thank the Dean of Law and the two Heads of department for their support and good suggestions.

I congratulate Puja Kapai on her appointment as the new CCPL Director. Puja obtained her LLB at HKU with honours, her LLM from Harvard Law School and practiced as a barrister at Temple Chambers before joining us as an Assistant Professor in 2006. She was appointed Associate Professor in 2012 and is an Executive Committee member of Unison Hong Kong. She specializes in the areas of human rights and multiculturalism. I have full confidence that she will continue CCPL's tradition of excellence in conducting and promoting comparative law research and will do a superb job in leading the Centre to reach new heights.

I will remain actively involved in CCPL activities including the Refugee Clinical Legal Education Programme, the *Asia-Pacific Journal on Human Rights and the Law*, the Human Rights Portal, the Design Democracy project, other existing contract law research projects, and various rule of law related initiatives.

*Simon N.M. Young,*  
Professor and Barrister

## APPENDIX 1

## Selected Publications

(by Fellows & Others in the Faculty of Law on Public and Comparative Law Issues)

Books

Ali, Shahla, Ali, S & Ginsburg, T (eds.), *International Commercial Arbitration in Asia* (3rd Edition), Huntington, N.Y.: Juris Publishing (forthcoming 2013).

Ali, S. *Consumer Financial Dispute Resolution in a Comparative Context: Principles, Systems and Practice*, Cambridge, UK: Cambridge University Press (forthcoming 2013).

Tai, Benny Y.T., *Constitutionalism and China: From Modernization and Cultural Change to see the Development of Constitutionalism in China*, 戴耀廷. 憲政·中國：從現代化及文化轉變看中國憲政發展. 香港: 香港大學出版社, 2012.

Tai, Benny Y.T., *Judicial Review and Good Governance*, Chung Hwa Book Co., (forthcoming 2013).

Book chapters

Chan, Cora “Adult Guardianship Law in China: Traditional Values and Modern International Developments”, in Kim Dayton (eds.), *Comparative Perspectives on Adult Guardianship*, (forthcoming 2013).

Loper, Kelley, “Constitutional Adjudication and Substantive Gender Equality in Hong Kong” in Beverley Baines, Daphne Barak-Erez, Tsvi Kahana (eds.), *Feminist Constitutionalism: Global Perspectives*, Cambridge University Press, 2012.

Loper, Kelley, “Education of South Asians in Hong Kong” in James Banks (eds.), *Encyclopedia of Diversity in Education*, 2012.

Loper, Kelley, “Minority Language Rights And Education In China: The Relevance Of Human Rights Law And Substantive Equality” in Gulbahar Beckett, Gerard Postiglione (eds.), *China's Assimilationist Language Policy: The Impact on Indigenous/Minority Literacy and Social Harmony*, Routledge, 2012.

Kapai, Puja, “The Doctrine of Substantive Equality and the Democratisation of Diversity” in M Kearney (ed.), *From Conflict to Recognition: Moving Multiculturalism Forward*, 2012.

Kapai, Puja, “Minority Women: A Struggle for Equal Protection Against Domestic Violence”, in B. Baines, D. Barak-Erez & T. Kahana (eds.), *Feminist Constitutionalism: Global Perspectives*, 2012.

Tai, Benny Y.T., “Hong Kong: maintaining a common law legal system in a non-western culture” in Black, EA and Bell, GF (eds.), *Law and legal institutions of Asia: traditions, adaptations and innovations*, Cambridge University Press, 2011.

Young, Simon N.M., "Human Rights in Hong Kong Criminal Trials", in Paul Roberts & Jill Hunter (eds.), *Criminal Evidence and Human Rights*, 2012, p. 23.

Young, Simon N.M., "Right to a fair trial and the criminal process", in Chan, J and Lim, CL (eds.), *Law of the Hong Kong Constitution*. Hong Kong: Sweet & Maxwell Hong Kong, 2011.

Young, Simon N.M., "Security Laws for Hong Kong", in VV Ramraj, M Hor, K Roach & G Williams (Eds.), *Global Anti-Terrorism Law and Policy*, 2nd ed, 2012, p. 33.

***Journal articles and commissioned reports***

Ali, Shahla, "Exploring Effective Financial Dispute Resolution Design Models Through a Learning Orientation: Experiences from East Asia", *Beijing Arbitration Quarterly*, 2012

Brabyn, Janice, "Limited purpose waivers of legal professional privilege", *Civil Justice Quarterly*, 2012, v. 31 n. 2, p. 176-19 Sweet & Maxwell Ltd.

Chan, Cora, State immunity: reassessing the boundaries of judicial autonomy in Hong Kong Public Law, 2012, p. 1-12 Blackwell Publishing Ltd.

Chan, Cora, "Deference, Expertise and Information-gathering Powers", *Hong Kong Law Journal*, 2011, v. 41 n. 1, p. 7-25.

Chen, Albert, "Reflections on Administrative Law in China: A Hong Kong Perspective", *Journal of Harbin Institute of Technology (Social Sciences Edition)*, 2012, v. 14 n. 4, p. 1-5.

Fry, James, "Of Pinpricks and Cannon Shots: UN Arms Embargoes and Peacekeeping as Coercive Disarmament Measures", *UC Davis Journal of International Law and Policy*, 2011, v. 17 n. 2, p. 213-231.

Fry, James, "Early Security Council Efforts at Nuclear Non-Proliferation", *Law and Policy: Cooperation Forgotten Transnational Law & Contemporary Problems*, 2012, v. 21 n. 2, p. 337-358.

Fry, James, "Towards an Agreement on Investment in Mercosur: Conflict and Complementarity of International Investment Law and International Trade-in-Services Law", *The Journal of World Investment & Trade*, 2012, v. 13 n. 4, p. 556-596.

Fu, Hualing, "The Varieties of Law in China", *China Rights Forum: The Journal of Human Rights in China*, 2011, v. 1-2, p. 56-63.

Fu, Hualing, "Away from Grass-Roots? The Irony of Rural Legal Services in China" *Working Papers Series*, 2012, p. 1-35.

Fu, Hualing, "Embedded Socio-legal Activism in China: The Case of Yirenping", *Hong Kong Law Journal*, 2012, p. 1-24.

Kong, Karen, "Adjudicating Social welfare rights in Hong Kong International Journal of Constitutional Law, 2012, v. 10 n. 2, p. 588-599

Lin, Jolene, "Climate Change and the Courts", *Legal Studies*, 2012, v. 32 n. 1, p. 35-57.

- Lin, Jolene, "Looking Beyond the International: Key Themes and Approaches of Transnational Environmental Law", *Transnational Environmental Law*, 2012, v. 1 n. 1, p. 23-29
- Tai, Benny Y.T., "The causes and the prospect of the differences between Mainland and Hong Kong after 15 years of experiences", *Bauhinia Tribune*, 2012, v. 4, p. 52-61
- Young, Simon N. M., "Constitutional Rights in Hong Kong's Court of Final Appeal" Chinese (Taiwan) Yearbook of International Law and Affairs, 2011, v. 27, p. 67-96.
- Young, Simon N. M., "Immunity in Hong Kong for kleptocrats and human rights violators"  
*Hong Kong Law Journal*, 2011, v. 41 n. 2, p. 421-42.
- Young, Simon N. M. and Peter Chau, "Abolishing by-elections to fill vacancies in the legislative council" *Hong Kong Law Journal*, 2012, v. 41 n. 3, p. 601-609.

**Selected conference papers and speeches**

- Chen, Albert, "Pathways of Constitutional Development in Asia (in Chinese)", Keynote address, *Annual Conference of the Chinese Research Association of Constitutional Law*, Northwest University of Law and Political Science, Xi'an, 22-23 October 2011.
- Chen, Albert, "Datong' as the Chinese Concept of the Common Good" *Conference on the Philosophy of the State*, School of Law, Tsinghua University, Beijing, 3-4 December 2011
- Chen, Albert, "Constitutionalism in East and Southeast Asia: A Comparative Study", *4th Asian Constitutional Law Forum*, Faculty of Law, University of Hong Kong, 16-17 December 2011
- Chen, Albert, "The Global Expansion of Constitutional Judicial Review: Historical and Comparative Perspectives", *Annual Conference on Comparative and International Law*, School of Law, Soochow University, Taipei, 30 December 2011.
- Chen, Albert "Constitutionalism, Constitutional Resources and Constitutional Moments", *Conference on Chinese Legal Philosophy*, School of Law, Tsinghua University, 22 June 2012.
- Fry, James, "Towards an Agreement on Investment in Mercosur: Conflict and Complementarity between International Investment Law and International Trade-in-Services Law", *20th Annual Conference for the Australian and New Zealand Society of International Law*, 5 - 7 July 2012.
- Fry, James, "Religion's Relevance to Moral Fairness in International Law and its Regional Implications", *5th Biennial Conference of the European Society of International Law*, Valencia, Spain 13-15, September 2012.
- Kong, Karen, "Social Justice and Social Rights in Hong Kong: Recent Judicial Review Developments and Proposal for Legislative Change", *International Conference on Realisation of Socio-Economic Rights in Emerging Free Markets: Perspectives from China and India*, City University of Hong Kong, 29-30 November 2012

Loper, Kelley, “From Theory to Practice: How Law and Policy Affect the Refugee Experience”, *Beyond Asylum: Refugee Policy in Practice and How Refugees Experience It*, University of Hong Kong, November 2011.

Loper, Kelley, “Legal Representation for Asylum Seekers: Ensuring ‘High Standards of Fairness’ and Respect for the Rule of Law in Hong Kong”, *CCPL Rights Talk Series*, University of Hong Kong, May 2013.

Tai, Benny Y.T., “Amendment of the Basic Law as the Legal Solution”, *Symposium on Legal Measures to Address Mainland Births in Hong Kong*, University of Hong Kong, July 2012.

Tai, Benny Y.T., “The Relationship between Law and Religion in China: The ‘Beijing Shouwang Church Incident’”, *Conference on Law and Religion: Legal Regulation of Religious Groups, Organisations and Communities*, Brigham Young Law School, October 2011.

Tai, Benny Y.T., “Charity Governance in Hong Kong: Some Legal Questions”, *Symposium on Charity Law*, University of Hong Kong, November 2012.

Young, Simon N.M., “Law Reform in Politically Sensitive Areas”, *ONC Conference on Law Reform – Does Law Reform Need Reforming in Hong Kong?* University of Hong Kong, Hong Kong”, University of Hong Kong, September 2011.

Young, Simon N.M., “Spouses and the Proceeds of Crime”, *8th International Association of Prosecutors Asia Pacific & Middle East Regional Conference*, Taipei, Taiwan, April 2012.

**APPENDIX 2**  
**CCPL Fellows**  
**(as of 22 July 2013)**

Name	Title/Unit	Projects in CCPL (Current and Past)
Shahla Ali	Assistant Professor, HKU Law	-Promoting Economic Integrity through Institutional Alternative Dispute Resolution: A Law and Policy Perspective
Janice Brabyn	HKU Law	
Cora Chan	Assistant Professor, HKU Law	-In Search for a Principled Approach to Judicial Deference: Constitutional Rights Review Local and Abroad
Joseph Chan	Professor, Dep't of Politics & Public Administration, HKU	-Democracy, Human Rights and Civil Society (SRT sub-theme)
Albert Chen	Chan Professor of Constitutional Law, HKU Law	-Resolving Land Disputes in East Asia -Asian Constitutional Law Forum -Legal Reforms in China and Vietnam: A Comparison of Asian Communist Regimes
Richard Cullen	Professor, HKU Law	-Civil Society Development in China: The Pivotal Role of Public Interest Lawyering -Electing Hong Kong's Chief Executive
James Fry	Assistant Professor, HKU Law	-Cleaved Int'l Law: Complementarity and Conflict Between Branches of Public Int'l Law
Fu Hualing	Professor and former Head, HKU Law	-Civil Society Development in China: The Pivotal Role of Public Interest Lawyering -Empowering Rural Communities: Legal Aid and the Rule of Law in Rural China
Rick Glofcheski	Professor, HKU Law	-Towards a Family Friendly Labour Law Regime in HK
Michael Jackson	Associate Professor, HKU Law	-Covert Surveillance
Karen Kong	Assistant Professor, HKU Law	-Public Interest Litigation in HK: A New Hope for Social Transformation?
Karen Laidler	Professor, Department of Sociology, HKU	-Trafficking of Women into Hong Kong
Jolene Lin	Associate Professor, HKU Law	-Climate Change and the Courts: The Emergence of Climate Change Litigation
Haochen Sun	Assistant Professor, HKU Law	-Reclaiming the Fair Use Privilege as Users' Collective Rights
Marcelo Thompson	Research Assistant Professor, HKU Law	-The Identity Curia: Legal Requirements for an Adequately Reflexive Identity Layer
Doreen Weisenhaus	Journalism & Media Studies Centre, HKU	
Amanda Whitfort	Associate Professor, HKU Law	-Review of Animal Welfare Legislation in Hong Kong

APPENDIX 3  
CCPL Funded Projects  
(as of 25 June 2013)

Research Grant Council Grants			
Title of Project / Investigators	Funding Period	Funding Source	Current Researchers
The Legal Enforcement of Contracts and Loan Agreements: The Role of Cultural Values in Theories of Consent and Vitiatio  PI: Puja Kapai	01/01/2012-31/12/2014	General Research Fund	
Cleaved International Law: Complementarity and Conflict Between Branches of Public International Law  PI: James Fry	01/01/2011-30/06/2013	General Research Fund	Yvonne Ngai (StudRA) Sofia Nordengren (StudRA) Kenny Cheung (StudRA)

HKU Internal Grants/Awards			
Title of Project / Investigators	Funding Period	Funding Source	Current Researchers
Towards the Development of A Human Rights Impact Assessment for Social Welfare Policies in Hong Kong  PI: Karen Kong	05/06/2013-04/12/2015	Small Project Funding	
Legally unrepresented persons in the civil courts in Hong Kong  PI: Antonio Da Roza	30/06/2013-29/06/2015	Seed Funding Programme for Basic Research	
The Implementation of International Refugee Law in East Asia  PI: Kelley Loper Co-I: M Jones	24/06/2013-23/06/2015	Seed Funding Programme for Basic Research	
Faculty Knowledge Exchange (KE) Award 2013  PI: Simon Young	01/07/2013-30/06/2014	Faculty of Law	
Proportionality, Intensity of Review and the Integrity of Proportionality  PI: Cora Chan	01/06/2012-31/05/2014	Small Project Fund	
Constitutional Reform and Democratization in Hong Kong  PI: Albert Chen	01/01/2011-31/08/2013	Small Project Funding	



Outstanding Young Researcher Award Simon Young	01/12/2009-30/11/2013	OYRA	
Revisiting the Religious Free Market: Comparative Analysis of East Asian Societies	12/10/2011-11/10/2013	Seed Funding Programme for Basic Research	Cai Jianbin (StudRA) Churk Shue Sing (StudRA) Frank To (StudRA) Samuel Wong (StudRA)