



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

## ANNUAL REPORT

July 2013 - June 2014

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REPORT TO THE BOARD OF MANAGEMENT OF  
THE CENTRE FOR COMPARATIVE AND PUBLIC LAW  
JULY 2013- JUNE 2014

Members of the CCPL Board of Management 2013-2014

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

**Kelley Loper**

CCPL Deputy Director  
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**Holning Lau**

Professor of Law  
University of North Carolina

**Carole Petersen**

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

**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.

**Report Overview**

This report covers the period from 1 July 2013 to 30 July 2014. CCPL once again organised a significant number of events during this one-year period, including: 13 major conferences, symposiums and workshops, 7 panels for the Seminar Series on Electing the Next CE of the HKSAR, 21 seminars, dialogues and panel discussions, 8 Rights Talks, one film screening and one theatrical performance. 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 are be detailed in the Appendices to this report.

CCPL also engaged in a large number of knowledge exchange activities at the local, regional and international level, drawing on the expertise of CCPL fellows. These included training workshops for students interested in public interest law, representatives of civil society organisations, including social workers and advocates, and legal scholars and personnel from the Southeast Asian region. These activities had broad-ranging impact on students in terms of mentorship and training and also on civil society organisations and their work, which was substantially bolstered through collaborations with the CCPL. In some instances, the training and output had impact at the international level at UN treaty bodies. The activities also attracted much media interest.

***New Initiatives Introduced as of July 2013:***

In the past year, the Centre has launched several initiatives aimed at enhancing engagement with the community. With the launch of our Youtube Channel, we are able to upload all conferences, seminars and rights talks online in a timely fashion. The site enables us to broaden our audience beyond the University, and to build our profile as a venue for constructive dialogue. Enhancements have also been made to the individual event reports pages on our website, with visitors now being able to view and download PowerPoint slides, papers, and other materials relevant to the talks.

Finally, we have increased direct participation by students in our events by creating roles for volunteers as Student Rapporteurs. The function of Rapporteurs is to capture and summarise key discussion points from events, which are later made available online to visitors to the CCPL website.

**Personnel*****Core Staff***

Associate Professor **Puja Kapai** has been Director of CCPL since July 2013, taking over from Professor Simon Young who served the Centre in this capacity from 2007 to 2013.

Associate Professor **Pojen Yap** was appointed Acting Director for the Centre as of 1 May, 2014. He will continue in this capacity until January 2015.

Assistant Professor **Kelley Loper** and **Ms. Farzana Aslam** served as the Deputy and Associate Directors respectively for the academic year 2013-2014.

**Sharron Fast** continues to work as Assistant Research Officer for the Centre. She is responsible for research and administrative support for the Centre's events and projects.

**Flora Leung** was 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. Ms. Leung stepped down from her role at CCPL in January 2014.

**Joyce Fung** joined CCPL as a full-time Executive Secretary in January 2014.

***Senior Researchers and Research Assistants***

Research Assistant **Lindsay Ernst** (full-time) worked on the *Gallant Ho Experiential Learning – Clinical Legal Education Fund project and the Enhancing Experiential Learning Opportunities within the Human Rights Curriculum project*.

Research Assistant **Stephanie Ip** (full-time) worked on the *Media Law project*.

Research Assistant **Gardenia Kwok** (full-time current) works on the *Design Democracy project*.

Research Assistant **Bonnie Tong** (full-time current) works on the *Disability Rights Portal project*.

Research Assistant **Yulin Cheng** (full-time current) works on the *Disability Rights Portal project*.

***Student Researchers (part-time)***

Research Assistant **Christina King** (part-time) worked on the *Design Democracy Project*.

Research Assistant **Grace Choksuwanlert Rattikan** (part-time current) works on the *Design*

<i>Democracy Project.</i>
Research Assistant <b>Leung Man-ka</b> (part-time current) works on the <i>Design Democracy Project</i> .
Student Research Assistant <b>Steven Lee</b> (part-time current) works on the <i>Design Democracy Project</i> .
Student Research Assistant <b>Zamira Monteiro</b> (part-time current) works on the <i>Human Rights Implications of Social Disadvantage Project</i> .
Student Research Assistant <b>Astina Au</b> (part-time current) works on the <i>Status of Ethnic Minorities Project</i> .
Student Research Assistant <b>Lean Angela Robis</b> (part-time current) works on the <i>CCPL Rights Bulletin Project</i> .
Student Research Assistant <b>Manisha Roshendri Leonie Wijesinghe</b> (part-time current) works on the <i>CCPL Rights Bulletin 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 31**.

### *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 (page 34)**. Fellows undertake research and partake in the activities of CCPL. They are typically full-time academics at the University of Hong Kong, with demonstrated expertise in the fields of comparative and/or public law, and whose work is aligned with the broader goals of the Centre. CCPL has one Honorary Fellow, who is Ms. Anna Wu, a member of the Executive Council.

### *Visiting Fellows*

Visiting Fellows are external academics or scholars (including those pursuing research postgraduate degrees) who are non-teachers of The University of Hong Kong and visit CCPL to conduct research, present research at events or participate in other significant ways for a fixed period of time of less than one year.



### **2014 Visiting Fellows**

**Carol Tan** is a Reader in Law at the School of Law at SOAS, University of London, where she teaches English Contract Law and Migrant Workers and the Law in Southeast Asia. During her fellowship at the Centre, in April and July 2014, she intends to further her research project on the study of domestic workers and the law in Hong Kong from a comparative, contextual and socio-legal perspective. Dr. Tan intends ultimately to develop, towards completion, a project on Hong Kong domestic helpers as litigants.

**Sophie Christabel Palombo** is a qualified solicitor of England and Wales, and a recent graduate (LLM) in International and Comparative Law at the George Washington University in Washington DC. While based in the Centre, she will pursue research in the following areas: human rights and private companies – a comparative analysis of how private companies can be held responsible for environmental and human rights impacts, human rights and the environment; pre-trial detention and terrorism – whether the presumption of innocence has been subverted by fears of terrorism and developing a complaint mechanism for ASEAN. Sophie will serve as Visiting Fellow from June through December 2014.

**S.R. Subramanian** is an Assistant Professor at the Ragiv Gandhi School of Intellectual Property Law (Indian Institute of Technology) in Kharagpur India. His research project while based at the Centre will examine how different laws of international law interact with each other, with a special focus on the relationship between international humanitarian law and arms control law. The research is expected to contribute to the discourse on multi-lateral treaty obligations and the legal consequences arising out of them, and to add coherence to the debate on unity versus fragmentation of international law. Subramanian will be based in the Centre in June and July 2014.

### ***Student Visiting Fellows***

Student Visiting Fellows are HKU and visiting postgraduate and undergraduate students who undertake research and play a role in the Centre. The process of appointment is application-based, with fellowships granted upon demonstration of interests and/or potential in areas that align with CCPL activities and expertise.

**Daniel Yip** is a former CCPL Student Researcher (2012 – 2013), who assisted on the Conduct Unbecoming Project. His proposed research will examine how the interdisciplinary theory of constructivism and Harold Koh's Transnational Legal Process can be used to explain the development of the Unified Screening Mechanism, and how Hong Kong now de facto screens for refugees according to the "refugee definition" in the Refugee Convention despite not being a signatory to the Convention. Daniel's appointment as a Visiting Student Fellow will run from June through August 2014.

### Summer Interns

Summer Interns are HKU and visiting postgraduate, undergraduate and secondary students who undertake to 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 interns in the past year are as follows:

<b>John Leung</b> , of University College London (2013) conducted research on the rule of law in Hong Kong.
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<b>Harry Chan Hey</b> (2014) is conducting research under the supervision of Professor Karen Kong under the HKU Undergraduate Research Fellowship Programme scheme. His report is entitled <i>A Comparative Analysis on the Intensity of Judicial Review of Economic, Social and Cultural Rights in Common Law Countries</i> .
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### 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 summer of 2013.

In 2013 Ivan Hau Yip Siu (JD), Edgar Kwan (LLB 3) and Daniel Yip (JD) were appointed as Young Researchers on the scheme.

<b>Public Conferences</b>
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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.

2014

22 May **Police Complaints in Hong Kong: Where are we Heading?**

The Centre for Comparative and Public Law, the Independent Police Complaints Council (IPCC) and the Policing Studies Forum at the Centre for Criminology at the University of Hong Kong co-hosted this important discussion aimed at improving public understanding of the IPCC's work and duties. The conference sought to explain to the general public and stakeholders how the IPCC functions in its monitoring role in handling police complaints and to simultaneously gather views from the community regarding the two-tier police complaints system.

The Honourable Mr. Justice Robert Tang of the Hong Kong Court of Final Appeal delivered the Keynote Address. The first plenary session provided an overview of police complaints systems through international experience sharing. The second plenary session examined the operational aspects of the system of complaints and discussions included ideas for minimizing complaints and improving the complaints system. In the third plenary panel, participants offered views and share strategies on how to achieve a balance between civil rights and police powers. Over 200 participants registered for this event, including a large presence from the Hong Kong Police force.

#### Symposium Presenters:

<i>Hon. Mr. Justice Robert Tang</i> <i>Court of Final Appeal, HKSAR</i>	<i>Mr. Eric Tat-ming Cheung</i> <i>Principal Lecturer and Director of Clinical Legal Education, HKU</i>
<i>Mr. Jat Sew-tong, SC, JP</i> <i>Chairman, IPCC</i>	<i>Dr. Jeff Martin</i> <i>Centre for Criminology, HKU</i>
<i>Mr. Gerry McNeilly</i> <i>Member-at-Large, Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)</i>	<i>Ms. Evelyn Lam Man-sai</i> <i>Chief Superintendent, Complaints &amp; Internal Investigations Branch, Hong Kong Police Force</i>
<i>Mr. Michael Jackson</i> <i>Faculty of Law, HKU</i>	<i>Prof. Hon. Joseph Lee Kok-long</i> <i>Ex Vice-Chairman, IPCC</i>
<i>Mr. Alan Lau Yip-shing</i> <i>Director of Management Services, Hong Kong Police Force</i>	<i>Professor Simon NM Young</i> <i>Faculty of Law, HKU</i>
<i>Mr. Clement Tao Kwok-lau</i> <i>Member, IPCC</i>	<i>Mr. Icarus Wong Ho-yin</i> <i>Vice-Convenor, Civil Human Rights Front</i>
<i>Mr. David Hodson</i> <i>Fellow, Centre for Criminology, HKU</i>	

3 May                      **Roundtable Discussion on Chinese as a Second Language Education – The Way Forward**

Hong Kong Unison and the CCPL co-hosted a Roundtable on “Chinese as a Second Language- the Way Forward”. In the latest Policy Address released in January 2014, the government announced measures such as the “Chinese Language Curriculum Second Language Learning Framework” with the aim of enhancing support for ethnic minority students in learning Chinese Language. Many of the new measures will be implemented in the 2014/15 school year but details about such measures are lacking. The captioned Roundtable was an opportunity for various experts of this area to share their views on how to develop “Chinese as a Second Language” teaching and learning, identify the gaps and to help set the agenda going forward. Over fifty academics, teachers, students, parents and government officials attended and participated in the discussion.

This was an unprecedented gathering where various stakeholders, including representative officials from the Education and Manpower Bureau, were in attendance to listen to multiple views for the first time since the CE announced the change to the education policy pertaining to Chinese language learning for ethnic minority children in his Policy Address in January 2014. This was a crucial opportunity for engagement with various parties, particularly to ensure as many stakeholders as possible were consulted at this initial stage in light of the Government's plan to implement the new learning framework in September 2014. Over fifty academics, teachers, students, parents and government officials attended and participated in the discussion. Mrs. Cherry Tse, Permanent Secretary for Education, gave the Keynote Address. Simultaneous interpretation was provided to participants in order to make proceedings accessible to a wider range of stakeholder groups.

#### 14 April UCL-HKU Conference on Judicial Review in a Changing Society

The Centre for Comparative and Public Law, and University College London were co-hosts of this important discussion aimed at exploring the themes of the rule of law, administrative review and good governance. The conference aimed to provide a forum for experts from both institutions and jurisdictions to exchange views on the role of judicial review in a changing society, in the areas of policy making and discretion, separation of powers and due process, and exploring the idea of judicial review as an engine for social change. There was a Keynote Address on Rationality and Proportionality in Modern Judicial Review by The Rt. Hon. Lord Carnwath, Justice of The Supreme Court of the United Kingdom, as part of the programme.

#### Conference Presenters:

<i>Professor Johannes Chan SC, Dean</i> University of Hong Kong	<i>Professor Dame Hazel Genn</i> University College London
<i>Justice Lord Carnwath</i> Supreme Court of the UK	<i>Mr. Justice Bokhary, NPJ</i> Court of Final Appeal, Hong Kong
<i>Professor Cora Chan</i> University of Hong Kong	<i>Professor Karen Kong</i> University of Hong Kong
<i>Mr. Philip Dykes, SC</i> Hong Kong	<i>Dr. Kimberley Trapp</i> University College London

<i>Professor Simon Young</i> University of Hong Kong	<i>Dr. Margaret Ng</i> Barrister, Hong Kong
<i>Mr. Mark Daly</i> Solicitor, Hong Kong	<i>Dr. Alex Mills</i> University College London

9 April                      **Panel Discussion on the Hong Kong Basic Law and Civil Nomination**

In light of the recent heated discussions on civil nominations and requirements of Hong Kong's Basic Law pertaining to the upcoming electoral law reform exercise for the election of the next Chief Executive of the HKSAR in 2017, this Panel Discussion served as an impartial and organised platform for leading figures who have expressed views on this topic to explain their interpretations. In hosting this event, we aimed to fully manifest the spirit of rational discourse, which the CCPL is committed to enhancing at this crucial stage of Hong Kong's constitutional development. Approximately 300 people attended the discussion, which was simultaneously interpreted by

**Conference Presenters:**

<i>Hon. Secretary for Justice, Mr. Rimsky Yuen, SC</i>	<i>Hon. Priscilla Leung Mei-fun</i>
<i>Ms. Audrey Eu, SC</i>	<i>Professor Benny Tai, HKU</i>

3, 7, 8, 16, 22              **Seminar Series on Electing the Next Chief Executive of Hong Kong in**  
24 and 29 April              **2017**

CCPL hosted a series of public seminars on proposals for political reform that have been garnered as a result of the ongoing public consultation exercise on the subject of electoral reform for the upcoming election of the Chief Executive of the HKSAR in 2017. During these seminars, individuals and groups who have proposed models for political reform had the opportunity to present and elaborate their model to the audience and to offer insights as to why their models are appropriate for Hong Kong at this juncture, particularly in light of imperatives under the HK Basic Law, the 2007 Decision of the Standing Committee of the National Peoples Congress and international standards. The seminars each comprised of presentations by proposers of their own models, followed by Questions and Answers from the audience.

The series was unprecedented in its service as a platform for the full range of proposers of election law reform from across the political spectrum. Proposers were able to engage with members of the public and the university community to elaborate on various aspects of their presented models. Students were closely involved and were invited to engage the proposers directly. In addition, the Centre fostered engagement from the student community by inviting them to attend and engage presenters during the Q&A portion of the panels by raising questions about the specifics of the proposed electoral model.

Given the critical significance of the issues arising from the discussion to the Hong Kong community at large and the broad level of interest in the series, CCPL collaborated with SOCREC (a volunteer-based locally operated social record association) to provide live content in order to enhance audience participation beyond the venue capacity. Simultaneous interpretation was also provided to further this aim.

Following the panel presentations, the materials used in assistance of the presentations at the events - including Powerpoints and the full text of proposals - were uploaded to an event specific page created on the CCPL website. Videos of the presentations were also uploaded. These materials, along with the videos from the day, were then utilised by the team at [Design Democracy](#) to further their own engagement with their online audience (which invites site visitors to design their own model for democracy based on the materials provided), and as a basis for their presentations to local high school students on the subject of designing a system of universal suffrage for Hong Kong.

**Presenters:**

Thursday, 3 April	Wednesday, 16 April	Wednesday, 29 April
<i>Alliance for True Democracy</i>	<i>Chow Yung, Robert</i>	<i>Scholarism</i>
<i>18 Scholar Proposal</i>	<i>Hong Kong Democratic Foundation</i>	<i>Voice of Loving Hong Kong</i>
<i>League in Defense of Hong Kong's Freedoms</i>	<i>Eric Lam Lap Chi</i>	<i>Dr. Law Chi-kwong</i>
	<i>Tang Fei</i>	<i>League of Social Democrats</i>
Monday, 7 April		
<i>Professor Simon Young</i>	Wednesday, 22 April	
<i>Professor Michael Davis</i>	<i>Joseph Wong Wing-ping GBS JP</i>	
	<i>Fong Chi Hang, Brian</i>	
Tuesday, 8 April		
<i>Lew Mon-hung</i>	Wednesday, 24 April	
<i>People Power</i>	<i>Professor Ho Lok Sang</i>	
<i>Hong Kong 2020</i>	<i>Edmon Chung</i>	
<i>Ronny Tong SC</i>		

28 March **ESCR Seminar Series: Consequences of Substance Misuse and Intimate Partner Violence: An International Epidemiological Perspective**

The overall aim of the *Addressing intimate partner violence among substance misusers: advancing aetiologies and treatment approaches* seminar series (funded by the Economic and Social Research Council) is to share new knowledge about the epidemiology, aetiologies, and typologies of intimate partner violence and to discuss innovative approaches to risk assessment and treatment (including novel technologies) for addressing intimate partner violence victimisation and perpetration among substance misusers. The series is a collaboration between universities in the UK, US, Australia and Hong Kong. There will be six sessions in total with three taking place in the UK and three internationally; the series is hosted by a collaboration of partner universities. The seminar series brings together leading academics, early career researchers, PhD students, practitioners, policy makers, educators and other key stakeholders to debate these issues from different perspectives and experiences with a view to learning from each other and informing policy, practice, education & training. HKU Faculty and students participated in this event by way of teleconference. CCPL will host a seminar as part of the series in 2015.

20 March                    **Academic Roundtable: Universal Suffrage and Nomination Procedures:  
Imperatives from Article 25 ICCPR**

The Centre for Comparative and Public Law at the Faculty of Law, the University of Hong Kong hosted an academic roundtable on “Universal Suffrage and Nomination Procedures: Imperatives from Article 25 ICCPR” in light of the impending electoral reforms in Hong Kong. The Roundtable aimed to garner the reflections of international and local experts on the requirements of equal and universal suffrage as expressed in Article 25 of the International Covenant on Civil and Political Rights. These insights were then used to develop a set of Guiding Principles, which can serve as a basis to evaluate proposed models of reform for electing the Chief Executive and members of the Legislative Council in Hong Kong from 2017 onwards emerging from the ongoing public consultation exercise. The Roundtable attracted significant media interest (see Media section below for detail).

The Roundtable brought together leading international and local experts on constitutional and election law to discuss for the first time, the implications of the upcoming election law reform exercise, the proposals floated and their inherent limitations in light of the Basic Law, on Hong Kong's international obligations under the ICCPR. It was the first occasion on which the debate on constitutional reform in Hong Kong in 2016 and 2017 took on a new direction by incorporating the importance of Hong Kong's international obligations and the substance of those obligations in view of ongoing discussions about the limitations to the model for democratic reform as arise under the Basic Law provisions. The discussion was live-streamed (a first for the Centre), simultaneously interpreted and open to the public and university members.

The Guiding Principles that emerged provided a crucial reminder of the need to ensure that any proposed reform must be structured so as to render itself compliant with Hong Kong's international obligations under the ICCPR. Since the Roundtable, officials, members of the public and media figures have been minded to include international obligations and the rule of law as important components that cannot be ignored in the debate on the proposed election law reform exercise.

**Roundtable Participants:**

<i>Professor Yash Ghai</i>	<i>Professor Carole Petersen University of Hawaii</i>
<i>Professor Puja Kapai University of Hong Kong</i>	<i>Professor Simon Young University of Hong Kong</i>
<i>Professor Kelley Loper University of Hong Kong</i>	<i>Professor Zhu Guobin City University of Hong Kong</i>
<i>Professor Graeme Orr University of Queensland</i>	<i>Dr. P.Y. Lo Barrister</i>
<i>Professor Hoong Phun (HP) Lee Monash University</i>	<i>Professor Christopher Forsythe University of Cambridge</i>
<i>Professor Paul Gronke Reed College</i>	<i>Professor Lin Feng City University of Hong Kong</i>

24 - 27 February **Women in Prison Symposium**

CCPL worked with the Dui Hua Foundation to organise an international conference on issues related to women in prison. Specifically, the conference provided a forum for leading local and regional academics, as well as international organizations who have played a role in the drafting of the *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* (the ‘Bangkok Rules’) to present research and exchange views on the implementation of the Rules.

**Symposium Participants:**

<i>Yossawan Boriboonthana Department of Probation, Thailand</i>	<i>Rachel Brett Representative for Human Rights and Refugees, Quaker United Nations Office</i>
<i>Elizabeth Brundige Executive Director, Avon Global Centre for Women and Justice, Visiting Assistant Clinical Professor of Law, Cornell Law School</i>	<i>Chen Jianjun Researcher, Renmin University of China Law School, Centre for Criminal Procedure &amp; Reform</i>
<i>Chen Min Researcher, Renmin University of China Law School, Centre for Criminal Procedure &amp; Reform</i>	<i>Cheng Lei Director, Renmin University of China Law School, Centre for Criminal Procedure &amp; Reform</i>
<i>Nathanee Chitsawang Deputy Executive Director, Thailand Institute of Justice</i>	<i>Dan Wei Researcher, Institute for Procuratorial Theory, Supreme People’s Procuratorate</i>
<i>Andrea Huber Policy Director, Penal Reform International</i>	<i>Adwoa Kufuor Human Rights Officer, Women’s Rights and</i>



	<i>Gender Section, Research and Right to Development Division, Office of the UN High Commissioner for Human Rights</i>
<i>Karen Laidler Professor, Department of Sociology, University of Hong Kong</i>	<i>Maggy Lee Associate Professor, Department of Sociology, University of Hong Kong</i>
<i>Liu Mei Professor, School of Criminal Justice and Director, Procedural Law Research Institute, China University of Political Science and Law</i>	<i>Lu Xiaogang Researcher, Renmin University of China Law School, Centre for Criminal Procedure &amp; Reform</i>
<i>Hilde Lundebj Prison Governor, Bredtveit Prison</i>	<i>Patricia Lee Managing Attorney, San Francisco Office of the Public Defender</i>
<i>Mao Jie Researcher, Renmin University of China Law School, Centre for Criminal Procedure &amp; Reform</i>	<i>Silvia Edith Martinez Public Defender and Director of the Prison Commission, General Defense of Argentina</i>
<i>Christoph Polajner Regional Delegation in East Asia, International Committee of the Red Cross</i>	<i>Rani Shankardass Secretary General, Penal Reform and Justice Association, India</i>
<i>Lilian Sing Judge, Civil Trial Department, San Francisco Superior Court</i>	<i>Zhang Shuqin Director, Sunny Children Institute</i>
<i>Eleonora Zielinska Professor of Law, Faculty of Law and Administration, Warsaw University, Member, Working Group on Discrimination Against Women in Law and in Practice</i>	

18 January                      **First Annual Hong Kong Public Interest Conference: Advancing Social Justice**

The vision underlying this conference was to establish a platform for encouraging the development of public interest law and its practice in Hong Kong. The purpose of the platform is to promote best practices and innovation in furthering the development of public interest litigation and practice in Hong Kong and particularly to promote its uptake among young lawyers; connect lawyers with public interest groups to aid matching of pro-bono demand and to scope out available 'supply'; and, promote the idea of public service within the legal profession. Panellists included public interest lawyers, as well as civil society advocates and activists experienced and/or interested in the relevant subject. A signature feature of this platform will be an annual conference that is open to the public, the profession, and academics and co-organized by representatives of each of the stakeholder groups. The event will also draw on similar events that routinely take place around the

world and seek to incorporate best practices in the area of public interest research and practice. Keynote speaker Mr. Colin Gonsalves is considered the pioneer of PIL practice in India.

### Keynote Speakers:

*Mr. Colin Gonsalves*

*Founder, Human Rights Law Network, Senior Advocate, Supreme Court of India*

*Hon Mr. Justice Kemal Bohkary*

*NPJ, Hong Kong Court of Final Appeal*

### Conference Participants:

<i>Alia Eyres</i> <i>Mothers Choice</i>	<i>Peter Barnes</i> <i>Human Rights Lawyer</i>
<i>Azan Marwah</i> <i>Barrister at Law</i>	<i>Kylie Ubergang</i> <i>Pathfinders</i>
<i>Aleta Miller</i> <i>Hong Kong Refugee Advice Centre</i>	<i>Mark Daly</i> <i>Daly &amp; Associates</i>
<i>Philip Dykes, SC</i>	<i>Winston Chu</i> <i>Society for the Protection of the Harbour</i>
<i>Richard Tsoi</i> <i>Society for Community Organisation</i>	<i>Tzw-wei Ng</i> <i>PILNET</i>
<i>Alan Schiffman</i> <i>Skadden, Arps, Slate, Meagher &amp; Flom LLP</i>	

13 & 14 January **Interfaith Dialogue Series: Religion and Power: Political, Legal and Economic Perspectives**

This interfaith conference explored the relationship between spiritual ethos and power in a number of world religions - Buddhist, Christianity, Islam and Judaism. In particular, the conference addressed how religious engagement with political, legal and economic issues can have beneficial and detrimental consequences in contemporary society. The event was co-hosted by the Bridging Gaps Foundation and the Faith and Global Engagement Initiative.

### Keynote Speakers:

*Professor Graham Ward*

*Regius Professor of Divinity, Oxford University*

*Professor Michael A. Helfand*

*Associate Professor of Law, Pepperdine University*

Professor CF Lee  
Pro-Vice-Chancellor, University of Hong Kong

Dr. Jamal Badawi  
Vice-Chairman, Islamic University

### Dialogue Participants:

Ms. Kristiane Backer TV presenter, journalist and author	Professor Chen Jianlin Assistant Professor, Faculty of Law University of Hong Kong
Shaihk Esam Ishaq Shariah Advisor, Discover Islam	Dr. Iqbal Masood Nadwi Imam, Al-Falah Islamic Centre
Dr. Gareth Jones Principal SKH Ming Hua Theological College	Professor Kang Phee Seng Professor and Director, Centre for Sino-Christian Studies University of Hong Kong
Dr. David Palmer Associate Professor, Department of Sociology University of Hong Kong	Dr. Khun Eng Kuah-Pearce Associate Professor, Department of Sociology University of Hong Kong
Dr. Fazlul Hadi Wazeen Faculty of Islamic Studies International Islamic University	Kalana Senaratne PhD Candidate, Faculty of Law University of Hong Kong
Arif Anis Writer, blogger, and personal development coach	Peng Yin Department of Philosophy University of Hong Kong
Dr. Rafiullah Azmi Assistant Professor Center for West Asian Studies Jamia Millia Islamia (JMI) New Delhi	

2013

1 November      **Symposium on Human Trafficking**

This symposium was co-organised by CCPL and the Hong Kong Federation of Women Lawyers and was supported by the Consulate General of Sweden to Hong Kong and Macau, the School of Law of the City University of Hong Kong, and the YWCA. National representatives from across Asia were invited to present the current laws against trafficking in their respective jurisdictions, assess current protection and prevention mechanisms, discuss the effectiveness of current laws protection

and prevention and to assess the major factors contributing to human trafficking in their region. The panellists discussed international best practices and made recommendations towards regional cooperation.

**Keynote Speaker:**

*Lai Tung Kwok, Secretary for Security, HKSAR*

**Symposium Speakers:**

<i>Matt Friedman The Mekong Club</i>	<i>Phumzile Mlambo-Ngcuka UN Women</i>
<i>Roberta Clarke UN Women Asia and the Pacific</i>	<i>Pheobe Lam Diocesan Pastoral Centre for Filipinos</i>
<i>Puja Kapai Centre for Comparative and Public Law</i>	<i>Zhang Wei Beijing Lawyers Association</i>
<i>Sister Juliana Devoy Good Shepherd Macau</i>	<i>Hsieh Li-kung National Immigration Agency of Taiwan</i>
<i>Priscilla Chan Hagar Cambodia</i>	<i>Sunitha Krishnan Co-Founder, Prajwala</i>
<i>Lois Choy Door Ministries</i>	<i>Thomas Ahlstrand International Public Prosecutors Office</i>
<i>David and Stella McCracken Li Po Chun United World College</i>	<i>Anthony Fung Microsoft</i>
<i>Aurora Javate de Dios ASEAN Commission on the Promotion and Protection of the Rights of Women and Children</i>	

24 & 25 October **Conference on the Death Penalty in Asia**

During 2013, the EU Office to Hong Kong and Macau supported several events against the death penalty, in cooperation with local, regional and international partners. These events included a conference, film screenings, and public outreach activities. The Centre for Comparative and Public Law and ADPAN (Anti-Death Penalty Asia Network) jointly hosted the conference portion of the series.

**Keynote speakers:**

*Kevin Zervos  
High Court Judge, HKSAR*

*Professor Johannes Chan, SC  
Dean, Faculty of Law, HKU*

*Vincent Piket  
Head of European Union Office to Hong Kong and Macau*

## Conference speakers:

<i>Joshua Rosenzweig</i> <i>Chinese University of Hong Kong</i>	<i>Surya Deva</i> <i>City University of Hong Kong</i>
<i>Aurelie Placais</i> <i>Program Director, World Coalition Against the Death Penalty</i>	<i>Fifa Rahman</i> <i>ADPAN</i>
<i>Michael H. Fox</i> <i>Japan Innocence and Death Penalty Centre</i>	<i>Fifa Rahman</i> <i>ADPAN</i>
<i>Ajeng Larasati</i> <i>Reprieve Indonesia</i>	<i>Daniel Pascoe</i> <i>Oxford University</i>
<i>Lord Alfred Dubs</i> <i>UK</i>	<i>Zahwed Mahmood</i> <i>OHCHR</i>
<i>Hsinyi Lin</i> <i>Taiwan Alliance to End the Death Penalty</i>	<i>Ben Xiong</i> <i>China</i>
<i>Eva Pils</i> <i>Chinese University of Hong Kong</i>	<i>Borge Bakken</i> <i>University of Hong Kong</i>
<i>Teng Biao</i> <i>China Against the Death Penalty</i>	<i>Zhao Bingzhi</i> <i>Beijing Normal University</i>
<i>Bart Stapert</i> <i>Attorney</i>	<i>Zoe Bedford</i> <i>Reprieve UK</i>

## Seminars, Panel Discussions, and Roundtables

2014

- 7 May                    **Confronting Strasbourg: From Common Law Criminal Procedure and European Fair Trial Rights to Cosmopolitan Criminal Jurisprudence**  
*Paul Roberts*  
Professor of Criminal Jurisprudence  
University of Nottingham, School of Law, UK
- 2 May                    **Judicial Comparativism and Judicial Diplomacy**  
*David Law*  
Professor of Law & Political Science Washington University in St. Louis
- 26 April                **Hate Speech Laws: What They Should and Shouldn't Try to Do**  
*Gavin Phillipson*  
Deputy Head of School Durham Law School, The Palatine Centre
- 25 March               **Legal Regulations for Countering Corruption in the Russian Federation**  
*Eduard Ivanov*  
Professor Doctor, National Research University, Moscow
- 24 March               **Some Recent Developments in Judicial Review in the Common Law World**  
*Christopher Forsyth*

Professor of Public Law and Private International Law University of Cambridge

- 21 March **The Rock and the Sand: Jurisdiction and Remedial Discretion**  
*Christopher Forsyth*  
Professor of Public Law and Private International Law University of Cambridge
- 11 March **Proving Money Laundering in Hong Kong**  
*Russ Harding*  
Detective Inspector, Hong Kong Police
- 5 March **Reading and Re-reading the Caroline Correspondence, 1838 – 1842: Shaping the Modern Right of Self-Defence in International Law**  
*Dino Kritsiotis*  
Professor of Public International Law and Head of the International Humanitarian Law Unit, University of Nottingham
- 23 January **Deliberative Democracy and the Law**  
*Hoi Kong*  
Hydro Québec Scholar in Sustainable Development Law Associate Professor, Faculty of Law, McGill University
- 21 January **Teaching Law Without Judgements – Some Innovations at Melbourne Law School**  
*Professor Jeremy Gans*  
Melbourne Law School
- 13 January **Religion in Politics: Power and Empowerment**
- |  |  |
|--|--|
| <i>Dr. Jamal Badawi</i><br>St. Mary's University     | <i>Prof. Michael A. Helfand</i><br>Pepperdine University School of Law |
| <i>Professor Graham Ward</i><br>University of Oxford | <i>Imam Muhammad Arshad</i><br>Kowloon Mosque and Islamic Centre       |
| <i>Rabbi Asher C. Oser</i><br>Ohel Leah Synagogue    | <i>Professor Benny Tai</i><br>University of Hong Kong                  |

## 2013

- 2 December **The State of Hong Kong's Judiciary: Common Law Courts in China**  
*P.Y. Lo*  
Ph D (HKU), Barrister-at-law
- 26 November **Communications Innovations at the United Kingdom Supreme Court**  
*Dr. Richard Cornes*

- Barrister and Solicitor of the High Court of New Zealand Deputy Head of School, Essex University, England
- 25 November **New Common Theatre**  
*Voices from a Worker's Theatre Movement*
- 19 November **Can Hong Kong Lawyers Avoid Extinction? Staying Ahead of the Curve in a Globalized Legal World**  
*Mitch Kowalski*  
Legal Futurist
- 14 November **Selecting the Chief Executive of Hong Kong in 2017**  
*C. K. Low*  
Associate Professor in Corporate Law, The Chinese University of Hong Kong
- 8 November **Preserving the 'Analytic Framework' of Law: The Challenge of Industry Rulemaking**  
*Karen Lee*  
University of New England, Armidale, Australia
- 6 November **The Tangled Web We Weave: Complexity in the Australian Consumer Law**  
*Professor Mark Lunney*  
University of New England, Armidale, Australia
- 29 October **Can the Courts Successfully Change Discrimination and Achieve Equal Opportunity? International Comparisons**  
  
*Prof. Gary Orfield*                      *Prof. Puja Kapai*  
UCLA Graduate School of Education; Co-Director, The Centre for Comparative and Public Civil Rights Project at UCLA      Associate Professor and Director, Law
- 23 October **Film: Not My Life**  
Screened in conjunction with a week-long series of events for anti-slavery week, this film was moderated by Faculty of Law RPG student Allyson Peers.
- 5 September **Globalisation, Regional Integration and Cooperation, and the Hague Conference on Private International Law**  
*Hans van Loon*  
Former Secretary General, Hague Conference
- 16 August **Art Crime – An International Problem?**  
*Dr. Saskia Hufnagel*  
ARC Centre of Excellence in Policing and Security, Griffith University, Australia
- 8 July **Property & Sovereignty: An Indian Reserve in a Canadian City**

*Douglas Harris, Phd*

Nathan T. Nemetz Chair in Legal History Associate Dean Graduate Studies & Research, University of British Columbia

### Rights Talks

In addition to the formal events described above, CCPL organised 8 informal Rights Talks in the past year. 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. Indeed, as some of our LLM Human Rights students tend to be members of civil society organisations, lawyers or advocates in other countries, they are often encouraged to present their own experiences of human rights in practice as part of the rights talks.

#### 2014

- 12 May                    **Singapore's Gay Rights Movement: Past, Present & Future**  
*Lynette Chua*  
Assistant Professor, National University of Singapore
- 24 January            **Human Rights Scrutiny by Parliamentary Committees - The Experience in Australia**  
*Professor Jeremy Gans*  
Melbourne Law School

#### 2013

- 7 December            **Recent Developments with the Immunities of International Organizations before National Courts**  
*August Reinisch*  
Vice Dean, Law Faculty, Programme Director LL.M. Program, University of Vienna
- 21 November           **Restoration of Property Rights after War**  
*Hans van Houtte*  
President, Iran-United States Claims Tribunal
- 11 November           **Sustainable Development & Human Rights: Prescriptions for Global Vulnerability**



*Joshua Castellino*

Professor of Law & Dean School of Law at Middlesex University, London

22 October

**Why Hong Kong Needs More Public Interest Lawyers**

*Rob Precht*

Founder and Director, Justice Labs Co-Founder and List Manager Hong Kong Public Interest Law Group

17 October

**LGBT Rights in International and Comparative Law**

*Laurence R. Helfer*

Harry R. Chadwick, Sr. Professor of Law, Duke University

7 August

**Equal Protection and Singapore's First Constitutional Challenge to the Criminalization of Male Homosexual Conduct**

*Dr Jack Tsen-Ta Lee*

Assistant Professor, School of Law, Singapore Management University

### Training Workshops

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2014

2 - 6 June

**2nd Workshop on International Law Practices**

This 5-day seminar was jointly organised by CCPL and the Asia Foundation. The proceedings marked the second collaboration with the Asia Foundation, the first Workshop being delivered in December 2013 (as below). The programme consisted of informal, interactive lectures, site visits and group discussions on a range of legal aspects relevant to foreign direct investment. Lectures were delivered by members of the University of Hong Kong Faculty of Law, as well as local practitioners in corporate law and intellectual property. Professor Jerome A. Cohen, Co-Director of the US-Asia Law Institute at NYU Law School, led the proceedings.

CCPL oversaw the day-to-day logistics and administration of the event (including hotel accommodation and meal arrangements), assisted with curriculum development, engaged in outreach to experts in the field to seek their participation in the seminar, and hosted the participants at the Faculty during the on-site lecture-portion of the seminar.

The programme was designed with the intention that participants develop their legal knowledge, legal skills and understanding of international norms. The aim was to increase understanding within the delegation of international legal frameworks and the rule of law as it relates to trade and economic development. By providing a mechanism for exchange, the seminar hopes also to strengthen diplomatic relations between North Korea and the US, and to foster conditions for further economic cooperation between North Korea and China.

### Conference Presenters:

<i>GU Weixia</i> University of Hong Kong	<i>Anselmo Reyes</i> University of Hong Kong
<i>Professor Jerome Cohen</i> New York University School of Law	<i>Jack Lange</i> Paul, Weiss, Rifkind, Wharton & Garrison
<i>Gregory Miao</i> Skadden, Aarps, Slate, Meagher and Flom	<i>David K. Lee</i> Paul, Weiss, Rifkind, Wharton & Garrison

2013

### 24 May Annual Spring Workshop with the Women's Studies Research Centre: Unleashing the Potential of Women in Hong Kong: Social Business as a Social Movement

The purpose of this year's Annual Spring Workshop co-organised by the Women's Studies Research Centre was to explore emerging issues related to social enterprise or social business in Hong Kong. The workshop discussion consisted of an intersection of macro and micro perspectives from invited speakers and discussants, but emphasis was placed on the participation of attendees open to a constructive exchange in addressing identified issues and effecting concrete action. Topics covered included the role of bodies such as governments and foundations which can proactively build a solid understanding of the problems facing social businesses and nurturing of leadership and what it entails. Under Secretary for Home Affairs Florence Hui delivered the keynote address, in which she provided an overview of the situation of social enterprises in Hong Kong, and outlined the efforts of the Hong Kong Government to support development in this regard.

#### Workshop Presenters:

<i>Christine Fang</i> Former Director, Hong Kong Social Services	<i>Pauline Chan</i> Lecturer, Hong Kong Polytechnic University
<i>Larry Kwan</i> Project Manager, ExCEL3 Faculty of Social Sciences, HKU	<i>Carmen Chan</i> Co-Founder, Cookin' Mama Business Development Director, Yes Network
<i>Shirley Lam</i> Women's Green Life Workers Cooperative Society Ltd.	<i>Jane Lee</i> Hong Kong Sheng Hui Welfare Council Chair, Organising Committee of the Social Enterprise Summit
<i>Ada Wong</i> The Good Lab	

2013

**15-21 December Workshop on International Law Practices – North Korean Delegation**

This workshop was the first co-hosted by CCPL and the Asia Foundation aimed at developing the legal knowledge, skills and understanding of international norms of delegates from the Democratic People's Republic of Korea. See 2nd (June 2 – 6, 2014) workshop (above) for details.

**26 & 27 October Workshop on Using CEDAW to Advocate Women's Rights**

Co-organised with the Hong Kong Women's Coalition on Equal Opportunities and the Women's Studies Research Centre, and funded by the ExCEL3 this Workshop targeted NGO workers and women's rights advocates who are currently leading efforts to promote gender equality and the human rights of women and are active in advocacy work directed at securing the Government's commitment to change. Ms. Pramila Patten, Vice-Chair of the Committee on the Elimination of all Forms of Discrimination against Women delivered the keynote address. Simultaneous interpretation was provided to make the workshop more accessible to a wider range of stakeholder groups including civil society and social workers.

Organizations which use and engage CEDAW as a vehicle through which to instrumentalize change, and to enhance the protection of human rights and their implementation in the domestic context were invited to participate in this training workshop, the ultimate aim of which was to produce a draft submission to the CEDAW Committee at its pre-sessional working group on the implementation of the CEDAW in the Hong Kong Special Administration Region. Participants were selected from the nearly 100 applications received in response to our invitation to participate. The project was jointly run with funding from ExCEL3.

The final joint submission garnered from the workshop represented the views of approximately 67 NGOs for the Committees' information. The submission was sent to the Committee in January 2014.

**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!

***2013 -2014 Clinic Participants***

**Summer 2013**

Alice Ming Yan Tong  
Alan Yihui Wen  
Josephine Man Ying Wong

**September 2013**

Joshua Bernard LLM(HR)  
James Adam Billingsly JD  
Manisha Roshendri LLM(HR)  
Shafiq Asma LLM(HR)  
Alexander Patrick Ryan LLB4  
Honor Tai LLB3

**January 2014**

Kaspar Benjamin Burger LLM(HR)  
Feng Yajie LLB4  
Li Hui Ching Fiona BBA Law 4  
Mok Kie Bong Gilbert JD  
Jocelyn Seetorng Heng LLB 4  
Alan Cheuk Lun Lau BSC GOV'T & LAW 3

***Mini-Experiential Learning Programme***

In June 2013, CCPL launched a new mini-experiential learning programme, aimed at first and second year law students. The **Mini-Experiential Learning Programme** operates as a 3-day intensive programme, which introduces law students to what it means to represent individuals seeking international protection in Hong Kong. Past students have toured the offices and met with officials from the United Nations High Commissioner for Refugees; discussed the application of the Convention Against Torture with an adjudicator from the Torture Claims Appeal Board; participate in simulated refugee intake interviews at the Hong Kong Refugee Advice Centre, and; observed the work and met with advocates from social services organizations focused on refugee rights. This programme operates three times per year: during autumn and spring Reading Week and during the summer session. Intake is set at approximately 12 students per session.

**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.

*Design Democracy* [www.designdemocracy.hk](http://www.designdemocracy.hk)

With funding assistance from the National Democratic Institute, the Design Democracy Hong Kong website was built to promote a lawful and constructive bottom-up approach to constitutional and political reform in Hong Kong. It provides an online platform for anyone to learn about, design, discuss and debate different models of universal suffrage. Users can design a system of electing the Chief Executive by working through a series of critical design questions. In Stage 2, which will launch in early 2014, users will have the chance to design a model of universal suffrage for LegCo - in anticipation of full democratic elections promised for LegCo in the year 2020 .

As at 9 May 2014, 595 models have been designed and submitted by Users. The project's Facebook page meanwhile has 1467 'Likes'.

### **CEDAW Workshop**

CCPL co-organised this Workshop (October 2013) targeting NGO workers and women's rights advocates who are lead efforts to promote gender equality and the human rights of women and are active in advocacy work directed at securing the Government's commitment to change. The workshop provided a platform for engagement for multiple stakeholders with vested interest in the reporting process, and gave them the training and tools necessary to develop their skills in writing shadow reports. The final joint submission (sent to the CEDAW Commission in January 2014) garnered from this workshop represented the views of approximately 67 NGOs for the Committees' information.

The skills developed in this workshop were directly transferrable to the reporting process for other treaty bodies. In May 2014, a joint shadow report to the ICESCR was similarly submitted.

### **Shadow Reports to CEDAW Committee and ICESCR Committee**

In its pre-session hearing in March, the CEDAW Committee took up the issues raised in the shadow report submitted by Director Puja Kapai. The Committee presented the issues to the Hong Kong Government as questions for them to respond to at the upcoming CEDAW hearing in October, 2014.

### ***Appearances before Human Rights Committee, Committee on Rights of the Child and LegCo Sub-committee on Education of Ethnic Minorities***

Director Puja Kapai appeared before the Committee on Rights of the Child in September 2013 and the Human Rights Committee in March 2013 to speak on issues pertaining to ethnic minorities and discrimination in Hong Kong. Media coverage of the issues covered at these meetings was

widespread (see: Media Presence and Website at page 26). In response, the Concluding Observations from the HRC, the CRC and the ICESCR acknowledged the need for the Hong Kong Government to implement its obligations under the covenants pertaining to most of the issues raised in the reports and during individual lobbying at the UN. Significantly, as a result of international lobbying efforts, the Hong Kong Government announced a policy change in respect of the education of ethnic minority children in its policy address earlier this year.

### *Supervising and Mentorship*

Director Puja Kapai is the primary supervisor of a student currently on a fellowship to Russia through the HKU foundation engaging in a study on the rights of lesbians and gays in that nation. She is the leader of two student-led projects: one under the CEDARS' Service 100 scheme - 'Compass' - a two-week summer workshop on dance and drama for ethnic minority children in Hong Kong; and, a student KE project on the empowerment of migrant workers in Hong Kong designed to offer training to NGOs working on legal claims involving migrant workers in Hong Kong.

## Research Grants and Projects Housed in CCPL

A table of current and recently completed projects appears at **Appendix 3**.

## Publications

### *Occasional Papers*

The Centre published one Occasional Papers in the reporting year. Former Student Visiting Fellow Vince Wong's submission on Land Policy Reform in China: Dealing with Forced Expropriation and the Dual Land Tenure System was published in June 2014.

### *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. For cases decided in 2013 the Bulletin was published in a single, annual report, which was published in June 2014.

### *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 took over the editorship of the journal, which is now 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.

### *Books*

*Reforming Law Reform: Perspectives from Hong Kong and Beyond*, Edited by Michael Tilbury, Simon N. M. Young and Ludwig Ng, HKU Press 2014.

*Hong Kong's Court of Final Appeal: The Development of the Law in China's Hong Kong*, Simon N.M. Young and Yash Ghai (eds.), Cambridge Press, 2013.

### *Publications of Members and Projects*

A number of publications and outputs have resulted from the projects housed in CCPL. **Appendix 1 (page 31)** 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 2013-14 period. Samples of these interviews and coverage include:

#### Television

- ❖ *The Pearl Report, "HK's Hidden Slavery"*. On Air Date: 2013.10.07

#### English Media

- ❖ *For new Chinese-language curriculum to work, teachers have to show us respect, say ethnic minority students* 4 May 2014, SCMP
- ❖ *Erwiana supporters accuse Indonesia of pressuring her to appoint consulate lawyer* 9 April 2014, SCMP
- ❖ *Legal scholars call for compromise* 24 March 2014, SCMP
- ❖ *Database of maid abuse being compiled to stop agency exploitation* 21 March 2014, SCMP
- ❖ *Transgenders 'should not have to undergo sex change before getting married in Hong Kong'* 6 March 2014, SCMP
- ❖ *Police fears over second anti-mainland protest* 22 February 2014, SCMP
- ❖ *Report to UN casts doubt on progress of women's rights in Hong Kong* 20 February 2014, SCMP
- ❖ *Stalking legislation is designed to protect, not stifle* 14 January 2014, SCMP
- ❖ *Three in four want more rights for gays, survey finds* 5 January 2014, SCMP
- ❖ *Privacy law must not hurt press freedom* 29 December 2013, SCMP
- ❖ *Stalking law should protect legitimate journalism, activism, consultants say* 11 December 2013, SCMP
- ❖ *Incoming Dean puts freedom at the heart of his plans* 30 November 2013, SCMP
- ❖ *Health chiefs plan to ban adverts for overseas baby sex-selection trips* 20 October 2013, SCMP
- ❖ *Ethnic Minorities face uphill education fight in Hong Kong* 18 September 2013, SCMP
- ❖ *Hong Kong Unison threatens court action on racially segregated schools* 18 September 2013, SCMP
- ❖ *Asylum seekers ask Legco for access to work, education, healthcare* 22 July 2013, SCMP



- ❖ *Hong Kong Changing the Way it Handles Refugees*, 16 July, WSJ

### Chinese Media

- ❖ *Apple Daily* 18 March 2014: 國際專家研究普選方案
- ❖ *Sing Tao Daily* 9 May 2014: 民建聯方案遠離國際標準
- ❖ *Ming Pao* 3 May 2014: 公民參與特首候選人提名——公民提名與公民推薦
- ❖ *Apple Daily* 18 March 2014: 公提是政治問題
- ❖ *Apple Daily* 30 April 2014: 公提是政治問題
- ❖ *Wan Wei Po* 23 April 2014: 王永平方志恒爭拗「議員提名」
- ❖ *chinanews.com* 15 April 2014: 法學專家“舌戰”香港“佔領中環”主事人
- ❖ *China News Service* 15 April 2014: 法學專家“舌戰”香港“佔領中環”主事人
- ❖ *Sing Tao Daily* 11 April 2014: 包容競爭與共建香港——對焦的政改補充原則
- ❖ *Apple Daily* 10 April 2014: 袁國強趨強硬 否定公民提名 聲稱普選沒單一標準 余若薇斥混淆視聽
- ❖ *Hong Kong Economic Times* 9 April 2014: 袁國強戴耀廷 昔日同窗今交鋒
- ❖ *Wan Wei Po* 4 April 2014 33 April 2014: 三問普選「國際標準」
- ❖ *Hong Kong Commercial Daily* 3 April 2014 堅持香港政改唯一法理
- ❖ *Ming Pao* 3 April 2014 泛民絕食團17人剩5
- ❖ *Hong Kong Economic Journal* 28 March 2014: 普及平等選舉的國際標準
- ❖ *Sing Tao Daily* 26 March 2014: 聚焦討論提委會
- ❖ *Ta Kung Pao* 25 March 2014: 梁美芬指美學者誤解其言論
- ❖ *Ming Pao* 24 March 2014: 港大前法律教授：參選需爭四界支持不民主
- ❖ *Hong Kong Economic Journal* 22 March 2014: 專家團倡公民推薦代公民提名
- ❖ *Wan Wei Po* 22 March 2014: 港大冷待內地學者 港澳研究會表遺憾
- ❖ *Hong Kong Commercial Daily* 22 March 2014: 譚志源總結：討論氣氛好 第3場政改早餐會務實坦率
- ❖ *Wan Wei Po* 22 March 2014: 世界法律專家認提委會符合約

The Centre's social media profile continued to grow in the reporting year. The CCPL Facebook page (as at 9 May) has 271 'Likes', while the Human Rights Portal Facebook page has 347.

## APPENDIX 1

*Selected Publications*

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

**Books**

- Chen, Albert H.Y., *Rule of Law and Human Rights in Western Civilisation*, Commercial Press (H.K.) LTD. 2013, Hong Kong.
- Chen, Albert H.Y., *Constitutionalism in Asia in the Early Twenty-First Century* (ed.), Cambridge University Press, 2014.
- Michael Tilbury, Simon N.M. Young and Ludwig Ng (eds.), *Reforming Law Reform: Perspectives from Hong Kong and Beyond*, HKU Press 2014.
- Simon N.M. Young and Yash Ghai (eds.), *Hong Kong's Court of Final Appeal: The Development of the Law in China's Hong Kong*, Cambridge Press, 2013

**Book chapters**

- Ali, Shahla, "Mediation and its Impact on the Legal System of Hong Kong SAR", in Wang, G & Yang, F (eds.), *Mediation in Asia-Pacific: A Practical Guide to Mediation and its Impact on Legal Systems*, p. 225-242. Hong Kong: Wolters & Kluwer (Law & Business), 2013.
- Chen, Albert H.Y., "The Judiciary and Constitutional Review", in Tushnet, M., Fleiner, T & Saunders, C (eds.), *Routledge Handbook of Constitutional Law*, p. 97-109. Abingdon, Oxon ; New York, NY: Routledge, 2013.
- Glofcheski, Rick, Doreen Weisenhaus and EJ Davis, "Hong Kong", in Glasser, CJ., Jr (Ed.), *International Libel and Privacy Handbook: A Global Reference for Journalists, Publishers, Webmasters, and Lawyers (3rd ed.)*, p. 183-210. Hoboken, New Jersey: Wiley & Sons, 2013.
- Hualing, Fu, "Politicized Challenges, Depoliticized Responses: Political Monitoring in China's Transitions", in Davis, F., McGarrity, N & Williams, G (eds.), *Surveillance, Counter-Terrorism and Comparative Constitutionalism*, p. 296-312. Abingdon, Oxon: Routledge, 2013.
- Hualing, Fu, "The Upward and Downward Spirals in China's Anti-corruption Enforcement", in McConville, M & Pils, E (eds.), *Comparative Perspectives on Criminal Justice in China*, p. 390-410. Cheltenham, UK: Edward Elgar Publishing, 2013.
- Hualing, Fu, "Autonomy, Courts and the Politico-legal Order in Contemporary China", in Cao, L; Sun, IY; Heberton, B (eds.), *The Routledge Handbook of Chinese Criminology*, p. 76-88. New York, NY: Routledge, 2014.
- Jackson, Michael, "The Corrupting Effect of Immunity Accomplice Witnesses: Realising Integrity while Granting Immunity to the Corrupt Accomplice", in *Conduct Unbecoming: Realising Integrity in the Criminal Process*, (Forthcoming).

Loper, Kelley, "Prospects for Refugee Rights in Hong Kong: Towards the Legalization and Expansion of Protection from Refoulement", in Francis, A & Maguire, R (eds.), *Protection of Refugees and Displaced Persons in the Asia Pacific Region*, p. 75-93. Farnham, Surrey, England; Burlington, VT: Ashgate Publishing Limited, 2013.

Kelley Loper, "The protection of asylum seekers in east asian state parties to the 1951 convention Relating to the status of Refugees and its 1967 protocol" in Ademola Abass and Francesca Ippolito (Eds.), *Regional Approaches to the Protection of Asylum Seekers: An International Legal Perspective*, Asghate 2014.

Petersen, Carole J and Kelley Loper, "Equal Opportunities Law Reform in Hong Kong: The Impact of International Norms and Civil Society Advocacy", in Simon N.M. Young, Michael Tilbury and Ludwig Ng (eds.), *Reforming Law Reform: Perspectives from Hong Kong and Beyond*, HKU Press 2014.

### **Journal articles and commissioned reports**

Ali, Shahla, "Globalization and Financial Dispute Resolution: Examining Areas of Convergence and Informed Divergence in Financial ADR" *Journal of Dispute Resolution*, 2013, Fall edition.

Chan, Cora, "Implementing China and Hong Kong's Preliminary Reference System: Transposability of Article 267 TFEU Principles" Public Law (Forthcoming); *University of Hong Kong Faculty of Law Research Paper No. 2013/044*.

Chan, Johannes, "Compensation for Miscarriage Of Justice" *Hong Kong Lawyer*, 2013, Aug, p. 32-37.

Chen, Albert H.Y. "The Global Expansion of Constitutional Judicial Review: Some Historical and Comparative Perspectives" (January 1, 2013). *University of Hong Kong Faculty of Law Research Paper No. 2013/001*.

Chen, Albert H.Y. "Pathways of Constitutional Development in Asia: A Comparative Study of Five Major Nations" *Journal of Political Science and Law*, 2013, n. 1, p. 3-20.

Hualing, Fu, "Stability and Anticorruption Initiatives: Is There a Chinese Model?" (July 12, 2013). *University of Hong Kong Faculty of Law Research Paper No. 2013/032*.

Hualing, Fu, "My Life in Prison: Memoirs of a Chinese Political Dissident" *The China Journal*, 2013, v. 70, p. 213-215.

Kapai, Puja, "The Human Rights of Women in the Hong Kong Special Administrative Region" *William & Mary Journal of Women and the Law*, 2013, v. 19 n. 2, article no. 3, p. 255-300.

Lau, Holning, Charles Lau and Kelley Loper "Public Opinion in Hong Kong about Gays and Lesbians: The Impact of Interpersonal and Imagined Contact", *International Journal of Public Opinion Research* (2014).

Loper, Kelley, "Public Opinion in Hong Kong about Gays and Lesbians: The Impact of Interpersonal and Imagined Contact", *International Journal of Public Opinion Research* (2014).

Sun, Haochen, "The Distinctiveness of a Fashion Monopoly" *Journal of Intellectual Property and Entertainment Law*, 2013, v. 3, p. 143-196.

Yap, Pojen, "Section 377A and Equal Protection in Singapore: Back to 1938?" *Singapore Academy of Law Journal*, 2013, v. 25 SAclJ (September), p. 630-640.

Yap, Pojen, "Transsexual Marriage in Hong Kong: Going Beyond Bellinger" *The Law Quarterly Review*, 2013, v. 129, p. 503- 507.

#### *Selected conference papers and speeches*

Chan, Cora "Proportionality and Invariable Baseline Intensity of Review", *2nd Workshop on Comparative Administrative Law in Asia*, Tapei, Taiwan, 7-8 July, 2013.

Yap, Pojen, "The Promises and Perils of the Proportionality Doctrine in Singapore: Comparative Lessons from Malaysia and Hong Kong", *2nd Workshop on Comparative Administrative Law in Asia*, Tapei, Taiwan, 7-8 July, 2013.

#### *Deputations*

Kapai, Puja, **Committee on Rights of the Child**, *Ethnic Minorities and Discrimination in Hong Kong* September 2013.

Kapai, Puja, **Human Rights Committee**, *Ethnic Minorities and Discrimination in Hong Kong* March 2013.

Kapai, Puja, **LegCo Sub-committee on Education of Ethnic Minorities**, *Ethnic Minorities and Discrimination in Hong Kong*.

#### *Policy Reports and Submissions*

Kelley Loper, Holning Lau, and Charles Lau: *Research Shows a Majority of People in Hong Kong Support Gay and Lesbian Couples' Rights, Not Necessarily Marriage*, 2 July 2013 [https://www.law.hku.hk/ccpl/Policy%20Paper%20\(FINAL%20UPDATE%20-%20ENGLISH\).pdf](https://www.law.hku.hk/ccpl/Policy%20Paper%20(FINAL%20UPDATE%20-%20ENGLISH).pdf)

Kelley Loper, "CCPL Submission to the LegCo Panel on Security on the Proposed Unified Screening Mechanism", 2 July 2014.

APPENDIX 2  
CCPL Fellows (as at 3 June 2014)

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	Assistant Professor, 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
Anna Wu	ExCo	Honorary Fellow**

**APPENDIX 3**  
**CCPL Funded Projects**  
**(as at 23 June 2014)**

Title of Project / Investigators	Funding Period	Funding Source	Current Researchers
Judicial Deference in Constitutional Rights Adjudication: Constructing an Approach for Post-Handover Hong Kong  PI: Cora Chan	01/11/2013-31/10/2016	Early Career Scheme	Joshua Chan (StudRA)
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	Ms. Zamira Monteiro (RA)
Enhancing Experiential Learning Opportunities within the Human Rights Curriculum  PI: Kelley Loper Co-I: Simon Young		Teaching Development Grant	Lindsay Ernst (RA)
The Implementation of International Refugee Law in East Asia  PI: Kelley Loper Co-I: Martin Jones		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	Daniel Yip (StudRA)
Outstanding Young Researcher Award  Simon Young	01/12/2009-30/11/2014	OYRA	
Human Rights Implications of Social Disadvantage: intersectional Analysis - A Comparative and multidimensional Approach	01/2/2013-31/01/2015	Small Project Fund	Ms. Neha Zaigham (RA)
Practicing Human Rights Law in Hong Kong  Project Co-ordinator: Simon Young	01/09/2013-30/08/2014	Experiential Learning Fund 2013-2014	Lindsay Ernst (RAI)

Title of Project / Investigators	Funding Period	Funding Source	Current Researchers
Faculty Knowledge Exchange (KE) Award 2013 PI: Simon Young	01/07/2013-30/06/2014	Faculty of Law	
Deference, Intensity of Review and the Integrity of Proportionality PI: Cora Chan	01/06/2012-31/05/2014	Small Project Fund	
Constitutional Development in Hong Kong and Rule of Law Education PI: Benny Tai			Byron Chiu (RAI) (supervised by Cora Chan)
Children Rights Education Investigator: Puja Kapai	01/12/2011-31/12/2013	UNICEF	