CCPL
Centre for Comparative and Public Law
比較法與公法研究中心
AT THE FACULTY OF LAW, THE UNIVERSITY OF HONG KONG

ANNUAL REPORT TO THE BOARD OF MANAGEMENT

July 2017 - June 2018
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Members of the CCPL Board of Management 2017-2018

Cora Chan  
Associate Professor  
Faculty of Law  
The University of Hong Kong

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

Hualing Fu  
Professor  
Faculty of Law  
The University of Hong Kong

Karen Joe Laidler  
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Faculty of Social Sciences  
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Faculty of Law  
The University of Hong Kong

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

Anna Wu  
Non-official Member, Executive Council of Hong Kong SAR Government (until 30 June 2017)  
Chair, Hong Kong Competition Commission

Simon NM Young  
Professor, and Associate Dean (Research)  
Faculty of Law  
The University of Hong Kong
International Advisors

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

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

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University of Hong Kong

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Professor of Law  
University of North Carolina

Yash Ghai  
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Institute for Peace and Conflict Resolution  
School of Law, University of Hawaii

Hurst Hannum  
Professor of International Law  
The Fletcher School  
Tufts University

Core Staff

Associate Professor Kelley Loper has been the Director of CCPL since July 2017. She is also the Co-Director of the LLM in Human Rights Programme, and Co-Editor-in-Chief of the Asia-Pacific Journal on Human Rights and the Law. She has published extensively on refugee protection in Asia, the rights of persons with disabilities, sexual orientation and gender identity discrimination in Hong Kong, and the implementation of international human rights law in domestic contexts. She is on the Editorial Committee of Hong Kong Law Journal and the Editorial Board of the Australian Journal of Human Rights. She has served on the boards or advisory committees of several non-profit organizations including the Hong Kong Refugee Advice Centre (as past Chairperson), Justice Centre Hong Kong, and Amnesty International (Hong Kong). She has also advised other international and local organizations including the United Nations High Commissioner for Refugees, UN Women, and the Hong Kong Human Rights Monitor on a range of human rights issues.

Lecturer Lindsay Ernst is the Associate Director of the Centre for Comparative and Public Law. Lindsay specializes in developing interdisciplinary experiential learning opportunities focused on advancing social justice and human rights. Prior to joining the University of Hong Kong as a researcher and part-time lecturer in 2012, Lindsay was the Head of Clinical Programmes at the Justice Centre Hong Kong (formerly the Hong Kong Refugee Advice Centre) where she designed and launched the Refugee Legal Assistance Clinic in collaboration with the University of Hong Kong, Chinese University of Hong Kong, Brooklyn Law School and the University of New South Wales. Prior to moving to Hong Kong in 2007, Lindsay was a Skadden Fellow with the Juvenile Rights Division of the Legal Aid Society of New York City, and an Adjunct Professor at Fordham University School of Law. She has also served as a law clerk with the King’s County Family Court in New York and the Public
Defender Service in Washington DC. Her areas of interest include community legal education and empowerment, migration, children’s rights, disability rights, and clinical legal education.

Assistant Professor Dr. Alex Schwartz is the Deputy Director of the Centre for Comparative and Public Law. Dr. Schwartz joined the Faculty of Law in July of 2017. His research is focused on courts and judicial behaviour, particularly in the context of deeply divided, transitional, and crisis-prone politics. He was previously Lecturer in Law at Queen’s University Belfast, where he was also an Associate Fellow of the Senator George J. Mitchell Institute for Global Peace, Security and Justice. Before that, Dr. Schwartz was a Banting Fellow with the Department of Political Studies at Queen’s University (Canada), a visiting scholar at the Centre for the Study of Social Justice at Oxford, and a postdoctoral fellow with the Canada Research Chair in Quebec and Canadian Studies at L’Université du Québec à Montréal. Dr. Schwartz is currently working towards a book on judicial power in ‘difficult’ contexts.

Elizabeth Lui is the Assistant Research Officer of the Centre for Comparative and Public Law. Elizabeth previously worked at Amnesty International Hong Kong as the Human Rights Education Officer, and currently works with AIHK’s LGBTI Group as a volunteer. She earned her Master’s Degree in Comparative Social Policy at Oxford University, and Bachelor’s Degree in Government and Public Administration at the Chinese University of Hong Kong. Her research interests include sexual orientation/ gender identity/ expression/ sex characteristics, people on the move and artificial intelligence/ machine learning.

Lili Ullmann acts as Assistant Research Officer for Human Rights at the Centre for Comparative and Public Law and the Master of Laws in Human Rights Programme. Prior to joining the University of Hong Kong, Lili was a junior lawyer at the Court of Appeal in Berlin, the German Federal Ministry for Economic Cooperation and Development, and the German Consulate General in Hong Kong. She studied law at Humboldt University, Berlin, and Queen Mary University, London, before completing her LLM. in International Human Rights, Refugee and Climate Change Law at the University of Warwick, where she subsequently stayed on as a tutor. Parallel to her studies, Lili was a research assistant at the Konrad-Adenauer-Foundation and the Coventry Law Centre Refugee and Asylum team, as well as a member of the European Youth Parliament (EYP).

Winnie Law is the Executive Secretary for CCPL. She manages the administration of CCPL in respect of all its activities, events and projects. She oversees a small team of part time staff as well as student research assistants and volunteers who assist with CCPL event organisation and research related activities from time to time. Her duties include event management and support for CCPL’s conferences and seminars, administration related to grant management, and logistical support pertaining to the reception of Centre-related visitors, among others.
Overview

CCPL’s Goals and Areas of Focus

The Centre for Comparative and Public Law (CCPL) was established in 1995 as a virtual centre within the Faculty of Law at the University of Hong Kong (HKU). Its goals are: (1) to advance knowledge on public law and human rights issues primarily from the perspective of international and comparative law and practice; (2) to encourage and facilitate collaborative work within the Faculty, the University, and the broader Hong Kong community in the fields of comparative and public law; and (3) to make the law more accessible to the community and more effective as an agent of social change. To advance these goals, the Centre has continued to engage with global, regional and local academics, practitioners, government officials, and non-governmental organisations in the public law field.

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

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

Research and Events

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

During the reporting period, CCPL housed 18 research projects funded by internal and external competitive grants, including the Hong Kong Research Grants Council’s General Research Fund, HKU’s
Global Partnership Seed Fund, the HKU Knowledge Exchange Office, the National Democratic Institute for International Affairs, the Association of Commonwealth Universities and Plan International Hong Kong. CCPL was also commissioned to conduct contract research and develop training materials and workshops. The total funding managed this year was HK$4,690,199. Appendix 3 of this Report provides more detail about these projects.

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

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

The Judicial Studies area of focus continues the work of the Judicial Studies Programme (JSP) (launched in 2015). Planned JSP activities include: 1) transnational judicial round-tables; 2) public lectures by eminent jurists; and 3) taught “masterclasses” for students. The JSP aims to foster multiple fora for knowledge exchange between judges, lawyers and academics to address the problems facing judiciaries today (especially in the Asia Pacific) and share views on how those problems might best be resolved in a cost-effective and timely manner and in the interests of justice.
Knowledge Exchange

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

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

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

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

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

Teaching and Learning

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

Fellows

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

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

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

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

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

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

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

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<thead>
<tr>
<th>Lorraine Wu</th>
<th>Lo Yin Yuen</th>
<th>Chan Ka Ming</th>
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<tr>
<td>Florence Sit</td>
<td>Chung Ho Chai</td>
<td>Lai Yan Ho, Eric</td>
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<td>Zixin Jiang</td>
<td>Shelley Leung</td>
<td>Law Yee Wing, Emily</td>
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<td>Chan Wai To, Eric</td>
<td>Yenni Kwok</td>
<td>Yeung Ching Yin, Johnson</td>
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<td>Ko Yik Fei</td>
<td>Chiu Tsz Ching Urania</td>
<td>Crystal Yeung</td>
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<td>Liu Tsz Yu</td>
<td>Li Nga Ling, Leona</td>
<td>Isabella Seif</td>
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<td>Chik Ho Ning</td>
<td>Yip Oi Ying, Mavis</td>
<td>Wong Ho Long Jaime</td>
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<td>Lee Ho Lun, Kenneth</td>
<td>Lo Ka Wing, Sally</td>
<td>Kan Chi Cheung</td>
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<td>Lam Wing Tat, Andy</td>
<td>Chan Hoi Kiu, Nicole</td>
<td>Cheung Yan Ho, Titus</td>
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<td>Luk Fan, Angela</td>
<td>Chan Sze Hoi, Sunny</td>
<td>Lau Ting Yin</td>
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For more information on the research projects which they assisted with, see **Appendix 3**.
Conferences, Lectures, Seminars and other Events

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

International Conferences

During the reporting period, CCPL held four international conferences:


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

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

“The Role of the Constitutional Court in Korea’s Democratization”
Ilwon Kang, Justice of the Constitutional Court of Korea

“Why Populists Hate Judicial Independence”
Kim Lane Scheppele, Princeton University

“After Democratization: The Taiwan Constitutional Court at the Crossroads of Judicial Activism”
Lin Tzu-Yi, Director & Distinguished Research Professor, Institutum Iurisprudentiae, Academia Sinica, Taipei

Chair: Richard Albert, The University of Texas Law School

Plenary Panel III: Technology and Public Law

“Public Law and Technology”
Christopher Yoo, University of Pennsylvania

“Legal Automation, Rule by Law and the Rule of Law”
Frank Pasquale, University of Maryland

“Big Data-driven Government: Towards a New Public Analytics in Public Administration?”
Karen Yeung, University of Birmingham

Chair: Cona Chan, HKU
Global Animal Law Conference
4–5 May 2018

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

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

Welcome, Introductions: Amanda Whitfort, HKU

Panel #1 Animal Issues in China
Moderator: Fiona Woodhouse, SPCA (HK) Deputy Director (Welfare)
“Drivers for Animal Protection Legislation in China”, Paul Littlefair, RSPCA International

“Animal Protection Law Making in China: The Political and Institutional Obstacles”, Peter Li, The University of Houston-Downtown, USA

“The 2010 HKU/SPCA Review of Hong Kong’s Animal Welfare Legislation: Where are We Now and Where Do We Need to Be?”, Amanda Whitfort, HKU

Panel #2 Europe
Moderator: Gieri Bolliger, Attorney at Law, CEO Tier im Recht, Switzerland

“Is it useful to have Animal Protection in the Constitution?”, Olivier Le Bot, Aix-Marseille University, Paris

“Polish Animal Welfare Law after 30 Years; Highlights, Achievements and Challenges”, Tomasz Pietrzykowski, University of Silesia in Katowice, Poland

“Let Animals Arise! Why and How the Animals in the UN – and the GAL Animal Law Friendly Index for all the Nations”, Antoine F. Goetschel, Attorney at Law, Switzerland

Panel #3 Asia Pacific
Moderator: Ayoshi, President of the China Association for the Promotion of International Agricultural Cooperation, International Cooperation Committee of Animal Welfare (China)

“Sentience, animals and the limits of symbolic legislative reform”, M B Rodriguez Ferrere, Faculty of Law, The University of Otago, New Zealand

“Legislative Reforms in Animal Welfare: Indian Sub-continent”, Nuggehalli Jayasimha, Managing Director of Humane Society International, India

“Japanese Concept of Animals and Law”, Mariko Igimi, Faculty of Law, Kyushu University, Japan

Featured Speakers #1
“The Current State and Future Direction of China’s Animal Protection Legislation”, Chang Jiwen, Institute of Resource and Environmental Policy, Development Research Centre of the State Council, PRC

Featured Speakers #2
### Panel #4 America’s

**Moderator:** Chris Green, Executive Director, Animal Law & Policy Program, Harvard Law School

- “How to Advocate for Animals beyond Filing Lawsuits”, Pamela Frasch, Lewis and Clark Law School, USA
- “Whales, Inside Canada”, Katie Skyes, Thompson Rivers University Faculty of Law, British Columbia
- “Defending Animals: Leading Cases ‘Orangutan Sandra and Chimpanzee Cecilia’”, Pablo Buompadre, President, Argentina Lawyers Association for the Rights of Animals
- “The Crime of Animal Abuse in Chile: history, present and challenges in light of the new criminal type”, Carolina Leiva Ilabaca, Legislative Coordinator, Parlamentarios por la Dignidad Animal, Chile

**Presentation by World Dog Alliance**

### #5 Europe B

**Moderator:** Steven Benton, Veterinary Officer (Animal Management), Agriculture Fisheries and Conservation Department, Hong Kong

- “A Duty to Care: the Case for Animal Welfare Legislation”, Mike Radford OBE, University of Aberdeen, Scotland
- “Recent Developments in Spain’s Animal Law”, Marita Giménez-Candela, Universitat Autònoma de Barcelona, Spain
- “Finnish Animal Welfare Law Reform and Work by the Animal Rights Lawyers Association”, Birgitta Wahlberg, Åbo Akademi University, Finland

### Panel #6 United States

**Moderator:** Chris Green, Executive Director, Animal Law & Policy Program, Harvard Law School

- “Increasing the Visibility of Animals in the US Legal System”, David Favre, Michigan State University, United States
- “Using Consumer Protection Law to Battle Factory Farming”, Joyce Tischler, Founder/General Counsel, Animal Legal Defense Fund, USA
- “The Struggle of the Nonhuman Rights Project to Attain Legal Rights for Nonhuman Animals”, Steven M Wise, Eq., President of the Nonhuman Rights Project, USA

### Panel #7 Africa

**Moderator:** Shen Jiahui, PhD candidate, University of Washington

- “Introduction of Animal Law in Africa”, Ever Vimbai Chinoda, Executive Director for Speak Out For Animals, Zimbabwe
- “The Design and Development of Animal Law Curriculum for Use in South African Universities”, Amy Wilson, Attorney, South Africa

### Featured Speakers #3

- “Brazilian Animal Law: A Constitutional Latin America Overview”, Tagore Trajano, Federal University of Bahia, Brazil

### Featured Speakers #4

- “Australian Farm Animal Protection Standards: Reform on the Horizon?” Steven White, Griffith Law School, Queensland, Australia

### Panel #8 – China 2nd Panel
Moderator: *Elizabeth Quat*, Legislative Council, Hong Kong SAR

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

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

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

**Final Thoughts**: *Amanda Whitfort and David Favre*
Constitutional Remedies in Asia
15 December 2017

Overview of Constitutional Remedies in Asia, Po Jen Yap, HKU

Panel 1: Prospective Invalidation in Asia
Prospective Invalidation in Indonesia, Stephanus Hendrianto, Boston College
Prospective Invalidation in Bangladesh, Jashim Ali Chowdhury, University of Chittagong
Commentary: Simon Butt, University of Sydney and Mark Tushnet, Harvard Law School

Panel 2: Suspension Orders in Asia
Suspension Order in Taiwan, Ming Sung Kuo, University of Warwick
Suspension Order in Hong Kong, Swati Jhaveri, National University of Singapore
Suspension Order in Indonesia, Fritz Siregar, Jentera School of Law, Indonesia
Suspension Order in South Korea, Woo Young Rhee, Seoul National University
Commentary: Robert Leckey, McGill University and Mark Tushnet, Harvard Law School

Panel 3: Remedial Interpretation and Judicial Directives in Asia
Conditional Constitutionality in Indonesia, Simon Butt, University of Sydney
Structural Injunctions and Judicial Directives in India, Chintan Chandrachud, UK
Commentary: Kent Roach, University of Toronto
China's National Security: Endangering Hong Kong’s Rule of Law?
4 December 2017

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<th>Session I: Hong Kong, the Rule of Law, and National Security</th>
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<tr>
<td>Albert Chen, HKU</td>
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<td>Hualing Fu, HKU</td>
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<td>Carol Jones, Birmingham</td>
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<td>Fergal Davis, UNSW &amp; King’s College London</td>
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<td>Lin Feng, City University of Hong Kong</td>
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<td>Swati Jhaveri, National University of Singapore</td>
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<td>P.Y. Lo, Barrister-at-law</td>
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<td>Margaret Ng, Barrister-at-law</td>
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<td>Michael Davis, Jindal Global University</td>
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<td>Paulo Cardinal, University of Macau</td>
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<td>Simon Young, HKU</td>
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<td>Carole Petersen, University of Hawaii</td>
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<td>Fiona de Londras, Birmingham</td>
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<td>Cora Chan, HKU</td>
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<td>Danny Gittings, HKU School of Professional and Continuing Education</td>
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<th>Session IV: Enhancing Resilience</th>
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<tr>
<td>Lam Wai Man, Open University of Hong Kong</td>
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<td>Puja Kapai, HKU</td>
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<td>Johannes Chan, HKU</td>
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<td>Yash Ghai, Katiba Institute, Kenya</td>
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<td>Surabhi Chopra. The Chinese University of Hong Kong</td>
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Executive Courses

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

Juvenile Justice: Sexting, Young People and the Law
26th February 2018
Professor Thomas Crofts, Professor of Criminal Law at The University of Sydney

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

Transnational Civil Litigation in HK: Seeking Remedies for Migrant Domestic Workers
26th October 2017

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

### Introduction to Cross-Border Civil Litigation in the MDW Context
Douglas Maclean, Justice Without Borders

### Panel Discussion: Civil Compensation as a Tool for Addressing Problems Faced by MDWs
Moderator: Michelle Yu, Justice Without Borders

- **Part I – Overview:** Migrant Domestic Workers and the Cross-Border Problems They Face
  - Leo Tang, Hong Kong Confederations of Trade Unions
  - Holly Allan, HELP for Domestic Workers

- **Part II – Substantive Legal Remedies Against the Employer**
  - Christine Cuthbert, Herbert Smith Freehills

- **Part III – Labour Tribunal and Small Claims Tribunal**
  - Leo Tang, Hong Kong Confederation of Trade Unions

- **Part IV – Procedural Considerations**
  - Fabian Roday, Fangda Partners

- **Part V – Other Considerations Regarding Cross-Border Litigation**
  - Douglas Maclean, Justice Without Borders

- **Part VI – Discussion: The Role of Law Firms/Lawyers in Pursuing MDW Claims**
  - Kareena Teh, Dechert LLP
  - Harry C. Edwards, Herbert Smith Freehills

### Interactive Session: A Case Study in International Litigation for Migrant Workers
Facilitator: Fabian Roday, Fangda Partners

### Panel Discussion: Pro Bono Opportunities—Meet Representatives from Hong Kong's Non-Governmental Organizations Handling Migrant Worker Claims
Leo Tang, Hong Kong Confederation of Trade Unions
Holly Allan, HELP for Domestic Workers
Douglas Maclean, Justice Without Borders (JWB)
Public Lectures, Seminars and Panel Discussions

Public lecture series, seminars and panel discussions offer the opportunity for leading academics and practitioners to share their recent research on a wide range of themes and topics with the University of Hong Kong’s faculty and students, as well as the wider Hong Kong community. Like CCPL conferences, these events are generally open to the public and free of charge.

THE HOCELAGA LECTURES

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

Investment Treaty Arbitration Claims over Tobacco Packaging Regulation: Running out of Puff?
17 July 2017

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

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

PUBLIC LAW LECTURE SERIES

Contemporary Issues in Public Law
16, 17 and 19 October 2017
Richard Clayton QC

As many human rights are universal in nature, it is often illuminating to draw upon the collective wisdom emerging from different constitutional approaches to the same issue. It is important that the Court, in applying comparative legal principles, must be astute to recognising the importance of different legal, political and cultural traditions, as well as, if appropriate, giving effect to the particular language used in a particular rights instrument. Against this background, Richard Clayton QC, an eminent UK barrister, discussed recent developments in the Hong Kong courts in the areas of freedom of expression, equality and non-discrimination, and the right to property, drawing upon his experience and insights.
from comparative legal and constitutional jurisprudence. In the first lecture, he examined judicial review and freedom of expression, the impact of freedom of expression on practice and procedure, and the impact of freedom of expression on private law litigation. In the second lecture, he re-visited key concepts in discrimination and looked at developments in same sex marriage, disability discrimination, and discrimination in public housing. In the third lecture, he focused on the controversial issues of deprivation and restriction of use of land, the right to compensation for lawful deprivation of property, and the approach of fair balance, margin of appreciation, and manifestly without reasonable foundation.

**CCPL Rule of Law and Legal Culture Project Seminar Series**

From April to August 2015, the Rule of Law and Legal Culture Project conducted an empirical study on the legal culture of Hong Kong in order to 1) ascertain and compare the values and beliefs of the public and legal personnel, and 2) determine whether Hong Kong has a healthy external and internal legal culture to sustain the rule of law. The project surveyed over 3,500 randomly selected Hong Kong citizens, government officials in policy bureaux, senior officers in law enforcement agencies, legislators, judges and lawyers in Hong Kong, asking a wide range of questions concerning the performance of legal institutions and understandings of the legal culture. Their responses provided valuable information about the internal and external legal cultures of Hong Kong – the legal culture of both the general public and the legal personnel directly responsible for operating the legal system. The Centre organized 2 seminars in November 2017 to disseminate and discuss the survey findings:
Do Hong Kong People Support Checks and Balances? 28 November 2017

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

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

**Moderator:** Isabella Liu, Assistant Research Officer, Faculty of Law, HKU  
**Speakers:** Kuan Hsin-chi, Emeritus Professor, Government and Public Administration, CUHK; Gladys Veronica Li, S. C., Former Chairman, Hong Kong Bar Association  
**Discussant:** Simon Ng, Assistant Professor/ Senior Programme Director in Law, HKU SPACE

**OTHER SEMINARS**

Roundtable on the Future Development of Constitutional Law in Hong Kong  
4 June 2018  
*Hamish Stewart, Faculty of Law, University of Toronto*

The Hong Kong Apology Ordinance: The Most Extensive Apology-protection Legislation in the World  
16 May 2018  
*Robyn Carroll, The University of Western Australia*
Sunset Clauses in the Brexit Process  
11 May 2018  
Antonios Kouroutakis, Assistant Professor, IE University, Madrid

The New Terrain of International Law: Courts, Politics, Rights  
7 May 2018  
Karen J. Alter, Northwestern University and iCourts, Copenhagen

Rule of Law in China: Historical, Cultural, & Comparative Analysis  
25 April 2018  
Jeffrey E. Thomas, Associate Dean for International Affairs, Daniel L. Brenner Faculty Scholar  
Professor of Law, University of Missouri Kansas City School of Law

Failure to Prevent Offences – Reassessing the Boundaries of the Criminal Law  
18 April 2018  
Karl Laird, Lecturer in Law, University of Oxford

The Development of Classical Administrative Law and Modern Threats to it  
12 April 2018  
Christopher Forsyth, Emeritus Sir David Williams Professor of Public Law, University of Cambridge

Radical Federalism  
12 April 2018  
Roderick M. Hills, Jr., William T. Comfort, III Professor of Law, NYU Law School

To Bark or to Bite? The European Union, its Member-states and the Rule of Law  
2 March 2018  
Lech Garlicki, Former Judge of the European Court of Human Rights

The Equal Opportunities Commission and the Courts in Hong Kong: A Partnership Model?  
28 February 2018  
David H. Rosenbloom, Distinguished Professor of Public Administration, School of Public Affairs, American University; Chinese Thousand Talents Professor of Public Administration, School of Public Administration and Policy, Renmin University
Proportionality and the Culture of Justification
9 February 2018,
Moshe Cohen, Eliya, President, College of Law and Business, Israel; Cheng Chan Lan Yue Distinguished Visiting Fellow, HKU

Practicing Refugee Law on the Frontier: Refugee Law in Egypt, India, Malaysia and Hong Kong
1 February 2018
The panel was moderated by Martin Jones, Senior Lecturer in International Human Rights Law at the Centre for Applied Human Rights at the University of York, and Kelley Loper, Director of CCPL. Other panellists included representatives from the Egyptian Foundation for Human Rights, the Ara Trust in Malaysia, the North South Initiative in India, and Daly, Ho and Associates in Hong Kong.

Freedom of Expression, Non-discrimination, and the International Regulation of Hate Speech
13 December 2017
John Cerone, University of Windsor

Statutory (and Constitutional) Interpretation and the Separation of Powers
12 December 2017
Richard Ekins, University of Oxford

How Do You Rebuild Northern Uganda After the Civil War?
6 December 2017
David Livingstone

Book Launch: Courts and Democracies in Asia
29 November 2017
Po Jen Yap, Associate Professor, The University of Hong Kong

Immigration Detention & Accelerated Refugee Determination Procedures: The UK Experience
24 November 2017
Amanda Weston, Barrister, Garden Court Chambers, UK

Canada’s Laws on Money Laundering and Proceeds of Crime
3 November 2017
Sébastien Lafrance, Crown Prosecutor, Public Prosecution Service of Canada

Book Talk: Does proportionality analysis promote judicial activism?
23 October 2017
Niels Petersen, University of Münster

Forum: Gender Recognition Legislation in Hong Kong: Opportunities and Challenges
23 September 2017

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

Welcome Remarks
Michael Hor, Dean, Faculty of Law, HKU
Kelley Loper, Director, Centre for Comparative and Public Law, HKU

Keynote Speech
Stephen Whittle, Manchester Metropolitan University

Key issues, International and Local Legal Perspectives
Moderator: Kelley Loper, HKU
Commentator: Stephen Whittle, MMU
Panellists:
Peter Reading, Legal Counsel, EOC Hong Kong
Michael Vidler, Solicitor, Vidler & Co. Solicitors
Patricia Ho, Partner, Daly & Associates

Transgender Community Voices
Moderator: Azan Marwah, Barrister and Mediator, Gilt Chambers
Robin Bradbeer, Secretary and Member of the Board of Directors of The Professional Commons,
former Professor at City University of Hong Kong  
Joanne Leung, Chairperson, Transgender Resource Centre HK  
Kaspar Wan, Filmmaker and Founder of Gender Empowerment  
Brenda Alegre, Lecturer of the Sexuality & Gender : Diversity & Society Course (SGDS), HKU  
Hun Law, Bodybuilder and Lecturer, HKU

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<th>Gender Recognition: Perspectives of Key Stakeholders</th>
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<td>Moderator: Marco Wan, HKU</td>
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<tr>
<td>Suen Yiu Tung, Assistant Professor of Gender Studies and Associate Director, Gender Research Centre, The Chinese University of Hong Kong</td>
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<td>Fern Ngai, Chief Executive Officer, Community Business</td>
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<td>Sam Winter, Psychologist and Associate Professor, Faculty of Health Sciences, Curtin University</td>
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**Closing Remarks:** Alfred Chan, Chairperson, Equal Opportunities Commission

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The New Dominion Constitutional Framework: Lessons from Pakistan & Uncertain Sovereignty: Ceylon as a Dominion (1948-72)  
20 September 2017  
Mara Malagodi, Senior Lecturer in Law, City Law School, University of London  
Rehan Abeyratne, Assistant Professor of Law, Chinese University of Hong Kong

Judges, Access to Justice, the Rule of Law and the Court of Final Appeal under “One Country Two Systems”  
13 September 2017  
The Right Hon. the Lord Neuberger of Abbotsbury, President of the UK Supreme Court
National Boundary and Maritime Defense Line West of the Chogyo/Tiuyu Islands (釣魚) for Min & Shin (Mdr. Ming & Qing) Empires 借問國疆何處有，牧童遙指釣臺西
11 September 2017
Ishiwi Nozomu (石井望、いしゐのぞむ)
Associate Professor, Nagasaki Junshin Catholic University

Brexit through the Lenses of Empire: Reflections on Franchise and Citizenship & The UK Supreme Court, the Constitution and Brexit
8 September 2017
Mara Malagodi, Senior Lecturer in Law, City Law School, University of London

Some Thoughts on International Arbitration in Japan and Elsewhere
28 August 2017
Rikiya Sakamoto, Professor, Nihon University College of Law, Tokyo

3 July 2017
Yaniv Roznai, Radzyner School of Law, Interdisciplinary Center (IDC) Herzliya, Israel

Knowledge Exchange with the Community

September 2017: Puja Kapai Awarded Faculty Knowledge Exchange Award 2017

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

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

September – December 2017: Gender Recognition Legislation in Hong Kong

As discussed above, on 23 September 2017, the Centre held a forum on Gender Recognition Legislation in Hong Kong. The forum featured Professor Stephen Whittle as the Keynote Speaker, lawyers practicing in the field, legal academics, and community voices. On 20 November 2017, Centre Director Kelley Loper made a deputation to the Legislative Council Panel on the Administration of Justice and Legal Services on the Consultation on Gender Recognition issued by the Hong Kong Government’s Interdepartmental Working Group on Gender Recognition (IWG). In addition, CCPL submitted related
research to the IWG, including the results of a public opinion survey: “Public Attitudes Toward Transgender People and Anti-discrimination Legislation”.

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

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

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

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

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

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

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

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

On 21 June 2018, CCPL collaborated with Amnesty International to host a Seminar on Third-Party interventions in Court Cases on Same-sex Partnership Rights. Over the last two years, international human rights organizations, banks and law firms have applied to intervene as third parties in local cases involving the rights of same-sex couples. The seminar served as a platform for members of legal, academic,
business, LGBTI and other civil society communities to reflect on ways of advancing rights for same-sex couples through intervention in strategic litigation. Participants discussed the implications of these efforts and explored possibilities for future litigation and collaboration. Director of CCPL, Kelley Loper chair the panel, and Prof Marco Wan, CCPL Fellow, served as a panellist.

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

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

Publications

The Asia-Pacific Journal on Human Rights and the Law (Vols. 18 and 19)
http://booksandjournals.brillonline.com/content/15718158

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

Volume 18, Issue 1 (2017)

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

Volume 18, Issue 2 (2017)

- Md Jahid Hossain Bhuiyan, “Enforcement of Fatwas in Bangladesh and the Violation of Constitutionally Guaranteed Fundamental Rights of Others: Compromising Between Rights”
- Agung Wardana and Ni Putu Yogi Paramitha Dewi, “Moving Away from Paternalism: The New Law on Disability in Indonesia”
Volume 19, Issue 1 (2018)

- Eleni Polymenopoulou, “LGBTI Rights in Indonesia: A Human Rights Perspective”
- Harold Sougato Baroi; Shawkat Alam; Carlos Bernal, “Can an Open Access Approach be the Solution to Better Implementation of the Right to Information Act in Bangladesh?”
- Sital Kalantry, “Women’s Human Rights and Migration: Sex-Selective Abortion Laws in the United States and India”

Publications by CCPL Scholars

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

Media Presence

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

**Op eds**

**Radio**
- Kelley Loper, “Academic says QT ruling may bring more challenges”, RTHK, 4 July 2018.

**Profiles and interviews**
- Shahla Ali was quoted in “Experts divided over ramifications of Belt and Road courts on Myanmar”, Myanmar Times, 2 February 2018.
- Peter Chau was quoted in “Judiciary in the dock: jailing of student activists opens door to debate”, South China Morning Post, 25 August 2017.
- Albert Chen was quoted in the following reports:
  - “Hong Kong Legal Challenge to Mainland’s High-speed Rail Terminus Lease ‘Unlikely to Succeed’”, South China Morning Post, 26 July 2017.
  - “Concerns over Planned Law to Prevent Abuse of Chinese National Anthem in Hong Kong”, South China Morning Post, 28 August 2017.
- “China Imposes National Anthem Law on Hong Kong, Raising Spectre of Prison Terms for Abuse of Song”, *South China Morning Post*, 4 November 2017.
- “China Says Part of Hong Kong Rail Station to Be Subject to Mainland Laws”, *Reuters*, 27 December 2017.
- “Pro-Beijing veteran Maria Tam backtracks on claim that checkpoint decision has legal binding power for Hong Kong courts”, *South China Morning Post*, 1 January 2018.
- “Political Storm in Hong Kong as Activist Agnes Chow Banned from By-election over Party’s Call for City’s ‘Self-determination’”, *South China Morning Post*, 28 January 2018.

Lindsay Ernst was quoted in “How Free Legal Advice can Help Communities Escape Hong Kong’s Poverty Trap”, *Hong Kong Free Press*, 18 December 2017.

Fu Hualing was quoted in the following reports:
- “Chinese Fugitive Hiding on Tiny Caribbean Island Willing to Return to Face US$100 Million Fraud Accusations – but only as ‘Free Man’”, *South China Morning Post*, 9 July 2017.

Puja Kapai was quoted in the following reports:
- “UK’s New Chief Judge Could Become First Ever Woman on Hong Kong’s Top Court”, *South China Morning Post*, 22 July 2017.
- “More Women are in Hong Kong’s Prisons than Anywhere Else. They Should be Protected, not Criminalised”, *The Guardian*, 21 August 2017.
- “Hong Kong’s Media Must Show More Sensitivity when Reporting on Domestic Violence”, *South China Morning Post*, 14 September 2017.
- “Asia’s World City? Hong Kong Ethnic Minorities Feel Targeted by Police Stop and Search actions”, *South China Morning Post*, 8 October 2017.
- “Hong Kong’s Ethnic Minorities Can’t Assess Preschool Quality as Reports are not in English, Survey Reveals”, *South China Morning Post*, 2 November 2017.
- “Hong Kong’s proposed co-parenting bill will empower abusers and increase risk of domestic violence”, *Hong Kong Free Press*, 25 November 2017.
- “Hong Kong Equality Watchdog Urges Sports Sector Leaders to Comply with Sexual Harassment Study”, *South China Morning Post*, 1 December 2017.
- “Bridging the Wage Divide”, *South China Morning Post*, 20 January 2018.
- “Is Gender Pay Inequality a Problem in Hong Kong?”, *South China Morning Post*, 20 January 2018.
• Kelley Loper was quoted in the following reports:
  o “Hong Kong’s Equality Watchdog Head Slammed for Cronyism and Poor Governance”, South China Morning Post, 15 February 2018.
  o “What Four Secretly Gay Civil servants in Hong Kong Feel about the Government Appealing against City’s Landmark LGBT Ruling”, South China Morning Post, 9 June 2018.
  o “Support for Same-sex Marriage in Hong Kong Grows as New Study Shows Attitudes to LGBT Community are Changing in City”, South China Morning Post, 3 July 2018.
  o “Over 50% of Hongkongers Now Support Same-sex Marriage: HKU study”, El Insight, 4 July 2018.
  o “Hong Kong moves closer to achieving LGBTQ equality with landmark ruling”, Gay Times, 4 July 2018.
  o “Hong Kong Grants Same-Sex Couples Equal Visa Rights”, Billboard, 4 July 2018.
• Amanda Whitfort was quoted in the following reports:
  o “Horses, Yes. Cows, Pigs and Goats too. But Should Hong Kong Traffic Law Cover Cats and Dogs?”, South China Morning Post, 19 October 2017.
  o “Why Chinese Demand for ‘Red Ivory’ Dooms Helmeted Hornbill Bird to Extinction unless Poaching can be Stopped”, South China Morning Post, 13 January 2018.
  o “Rhino horn, ivory and endangered species traffickers must feel the full force of Hong Kong law”, South China Morning Post, 8 June 2018.
• Simon Young was quoted in the following reports:
  o “Hong Kong Passes Law Making it Easier to Say ‘Sorry’ without Legal Consequences”, South China Morning Post, 13 July 2017.
  o “Is Hong Kong’s Rule of Law Really under Threat?”, South China Morning Post, 27 August 2017.
  o “Hong Kong Judges See Lowest Pay Rise in Eight Years amid Manpower Crunch”, South China Morning Post, 4 October 2017.
  o “Anyone – Including Last Governor Chris Patten – Could be Barred from Hong Kong, Carrie Lam says”, South China Morning Post, 13 October 2017.
  o “Former Hong Kong Leader Donald Tsang Avoids Conviction on Bribery Charge – for Now – as Jury Unable to Reach Verdict”, South China Morning Post, 3 November 2017.
  o “Getting Donald Tsang Back in the Dock for Second Retrial will be Hard for Hong Kong Prosecutors, Legal Experts say”, South China Morning Post, 4 November 2017.
• “Despite a Change in Strategy, Prosecutors Come up Short again in Former Hong Kong Leader Donald Tsang’s Bribery Trial”, South China Morning Post, 7 November 2017.
• “Jail in Hong Kong for Booing China’s National Anthem”, Aljazeera, 8 December 2017.
• “Macau Proposal to Ban Foreign Judges on Some Cases would ‘Dent Confidence’ in Hong Kong, Says Legal Expert”, South China Morning Post, 21 February 2018.
• “New Law on Hearsay Evidence Designed to Give Hong Kong’s Vulnerable Better Protection in Criminal Court Cases”, South China Morning Post, 21 June 2018.
• “Edward Leung Riot Sentence: Too Harsh, or Necessary as Deterrent? Legal Scholars, Politicians Split over Jail Term for Hong Kong Independence Activist”, South China Morning Post, 26 June 2018.
APPENDIX 1
Selected Publications
(by Scholars Affiliated with the Centre for Comparative and Public Law)

Shahla Ali


Cora Chan


Albert Chen


Hualing Fu

- Hualing, Fu and Buhi, Jason, Diverging Trends in the Socialist Constitutionalism of the People’s Republic of China and Socialist Republic of Vietnam (July 29, 2017). Peking University School of Transnational Law
Research Paper No. 17-8; University of Hong Kong Faculty of Law Research Paper No. 2017/015. Available at: https://ssrn.com/abstract=3010724 or http://dx.doi.org/10.2139/ssrn.3010724

David S. Law

Kelley Loper

Alex Schwartz

Po Jen Yap

Simon Young
APPENDIX 2
CCPL Fellows (as at June 2018)

Farzana Aslam
Senior Lecturer, Faculty of Law, HKU

Shahla Ali
Assistant Professor, Faculty of Law, HKU

Janice Brabyn
Associate Professor, Faculty of Law, HKU

Cora Chan
Associate Professor, Faculty of Law, HKU

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

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

Richard Cullen
Professor, Faculty of Law, HKU

James Fry
Assistant Professor, Faculty of Law, HKU

Fu Hualing
Professor, Faculty of Law, HKU

David Law
Professor, Faculty of Law, HKU

Kelley Loper
Associate Professor, Faculty of Law, HKU

Michael Jackson
Associate Professor, Faculty of Law, HKU

Puja Kapai
Associate Professor, Faculty of Law, HKU

Karen Kong
Senior Lecturer, Faculty of Law, HKU

Rick Glofcheski
Professor, Faculty of Law, HKU

Jolene Lin
Associate Professor, Faculty of Law, HKU

Haochen Sun
Associate Professor, Faculty of Law, HKU

Marcelo Thompson
Assistant Professor, Faculty of Law, HKU

Marco Wan
Associate Professor, Faculty of Law

Honorary Associate Professor of English, HKU

Doreen Weisenhaus
Journalism & Media Studies Centre, HKU

Amanda Whitfort
Associate Professor, Faculty of Law, HKU

Yap Po Jen
Professor, Faculty of Law, HKU

Simon Young
Professor, Associate Dean (Research), Faculty of Law, HKU
### APPENDIX 3
Projects housed within CCPL
(as at 30 June 2018)

<table>
<thead>
<tr>
<th>Title of Project / Investigators</th>
</tr>
</thead>
<tbody>
<tr>
<td>A comparative Evaluation of Hong Kong's Legislative Powers to Regulate Trade in Endangered Wild Animals</td>
</tr>
<tr>
<td>Principal Investigator: Amanda Whitfort</td>
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<tr>
<td>Proposal to Establish a Virtual Teaching and Learning Centre for Diversity and Inclusion to Share Best Practices on Pedagogy, Curriculum Development and Classroom and School-Based Management Strategies for Diverse Learning Environments</td>
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<tr>
<td>Principal Investigator: Puja Kapai</td>
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<tr>
<td>Proportionality in Criminal Punishment</td>
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<td>Principal Investigator: Peter Chau</td>
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<tr>
<td>Plugging the Justice Gap for Minorities under the Law: Applied Intersectionality Research and Substantive Equality</td>
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<tr>
<td>Principal Investigator: Puja Kapai</td>
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<tr>
<td>Courts and Democracies in Asia</td>
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<tr>
<td>Principal Investigator: Yap Po Jen</td>
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<tr>
<td>Gender Initiatives for the Women’s Studies Research Centre</td>
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<tr>
<td>Principal Investigator: Puja Kapai</td>
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<tr>
<td>Constitutionalism in Context</td>
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<tr>
<td>Principal Investigator: David Law</td>
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<tr>
<td>Child Impact Assessment in Hong Kong: Opportunities and Entry Points</td>
</tr>
<tr>
<td>Principal Investigator: Puja Kapai</td>
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<tr>
<td>Conference on Chinese as a Second Language</td>
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<td>Principal Investigator: Puja Kapai</td>
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<td>CCPL Public Opinion Survey 2016: Hong Kong’s Journey Towards Democratisation and 2047</td>
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<td>Principal Investigator: Puja Kapai</td>
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<tr>
<td>A Comparative Study of Civil Sanctions Against Money Laundering</td>
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<tr>
<td>Principal Investigator: Simon Young</td>
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<tr>
<td>Constitutional Development in Hong Kong and Rule of Law Education</td>
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<tr>
<td>Principal Investigator: Benny Tai</td>
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<td>Title of Project / Investigators</td>
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<td>International human rights law and refugee protection in Asian states not party to the 1951</td>
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<tr>
<td>Convention Relating to the Status of Refugees</td>
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<tr>
<td>Principal Investigator: Kelley Loper</td>
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<tr>
<td>The UN Convention on the Rights of Persons with Disabilities: Implementation in the Chinese</td>
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<tr>
<td>Context</td>
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<tr>
<td>Principal Investigator: Kelley Loper</td>
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<tr>
<td>Street Law - Human Rights Community Education</td>
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<tr>
<td>Principal Investigator: Lindsay Ernst</td>
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