

# PO JEN YAP

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Professor of Law, The University of Hong Kong (HKU)	(May 2018 – present)
Director, Centre for Comparative and Public Law, HKU	(Oct 2019 – present)
Associate Professor of Law, HKU	(May 2011 – April 2018)
Assistant Professor of Law, HKU	(July 2006 – April 2011)
Advocate and Solicitor of the Supreme Court of Singapore	
Attorney and Counselor-at-Law in the State of New York	

## EDUCATION

- Ph.D., University of Cambridge (2014)
- LL.M., University of London (2006)
- LL.M., Harvard University (2005)
- LL.B., National University of Singapore (2003)

## PUBLICATIONS

### A. Books

1. *Cambridge Handbook of Comparative Law* (Cambridge University Press) (under contract) (co-edited with Mathias Siems)
2. *Routledge Handbook of Asian Parliaments* (Routledge) (under contract) (co-edited with Rehan Abeyratne)
3. *Constitutional Convergence in East Asia* (Cambridge University Press, 2021) (monograph co-authored with Chien-Chih Lin)
4. *Proportionality in Asia* (Cambridge University Press, 2020) (sole editor)
5. *Constitutional Remedies in Asia* (Routledge, 2019) (181 pages) (sole editor)
6. *Courts and Democracies in Asia* (Cambridge University Press, 2017) (232 pages) (sole author)
7. *Judicial Review of Elections in Asia* (Routledge, 2016) (ed.) (237 pages) (sole editor)
8. *Hong Kong Basic Law Bibliography* (2<sup>nd</sup> ed.) (Hong Long Law Journal Ltd, 2016) (330 pages) (with Simon Young)

9. *Constitutional Dialogue in Common Law Asia* (Oxford University Press, 2015) (244 pages) (sole author)
10. *Public Interest Litigation in Asia* (Routledge, 2010) (ed.) (166 pages) (with Holning Lau)

## **B. Selected Book Chapters**

11. “Authoritarian Regimes” in *Oxford Handbook of Comparative Administrative Law* (eds) Peter Cane, Herwig C H Hofmann, Eric C Ip, and Peter L Lindseth (Oxford University Press, 2020) pp 339 – 355
12. “Proportionality in Asia: Joining the Global Choir” in Po Jen Yap (ed) *Proportionality in Asia* (Cambridge University Press, 2020), pp 3 – 22
13. “Constitutional Remedies in Asia: An Overview” in Po Jen Yap (ed.), *Constitutional Remedies in Asia* (Routledge, 2019), pp 1 – 11
14. “Courts and Elections in Asia” in Po Jen Yap (ed.), *Judicial Review of Elections in Asia* (Routledge, 2016), pp 1 – 8
15. “Judicial Review of Elections in Singapore after *Vellama*” in Po Jen Yap (ed.), *Judicial Review of Elections in Asia* (Routledge, 2016), pp 84 – 92
16. “Uncovering Originalism and Textualism in Singapore” in Jaclyn Neo (ed.) *Constitutional Interpretation in Singapore: Theory and Practice* (Routledge, 2016), pp 117 – 136
17. “Freedom of Expression” in Johannes Chan SC and Lim Chin Leng (eds.) *Law of the Hong Kong Constitution* (2<sup>nd</sup> ed.) (Sweet & Maxwell, 2015), pp 733 – 756
18. “Freedom of Assembly and Association” in Johannes Chan SC and Lim Chin Leng (eds.) *Law of the Hong Kong Constitution* (2<sup>nd</sup> ed.) (Sweet & Maxwell, 2015), pp 821 – 846
19. “Locus Standi and Public Interest Litigation in Hong Kong: A Comparative Study”, in Po Jen Yap and Holning Lau (eds.), *Public Interest Litigation in Asia* (Routledge, 2010), pp 35 – 56
20. “Public Interest Litigation in Asia: An Overview”, in Po Jen Yap and Holning Lau (ed.), *Public Interest Litigation in Asia* (Routledge, 2010), pp 1 – 8 (with Holning Lau)

## **C. Selected Journals**

21. “Judicial Self-Dealing and Unconstitutional Constitutional Amendments in South Asia”, (2021) *International Journal of Constitutional Law* 127 – 148 (with Rehan Abeyratne)
22. “Remedial Discretion and the Prohibition on Face Covering Regulation”, (2020) 50 *Hong Kong Law Journal* 569 – 584 (with Jiang Zixin)
23. “Democracy, Courts and Proportionality Analysis in Asia”, (2020) 9 *Global Constitutionalism* 531-542
24. “Remedial Discretion and Dilemmas in Asia” (2020) 69 *University of Toronto Law Journal* 84 – 104

25. “Electoral Disqualification, Political Allegiance, and the Courts: A "Fruitless Debate"? (2019) 49 *Hong Kong Law Journal* 825 – 834 (with Jiang Zixin)
26. “Statutory Rights and Defacto Constitutional Supremacy in Hong Kong?” (2019) *International Journal of Constitutional Law* 836 – 859 (with Francis Chung)
27. “Twenty Years of the Basic Law: Continuity and Changes in the Geoffrey Ma Court” (2019) 49 *Hong Kong Law Journal* 209 – 238
28. “Spouses without Benefits: ‘Ring-Fencing’ Marriage after W and QT Have Unbolted Its Gates?” (2018) 48 *Hong Kong Law Journal* 365 – 374
29. “Human Trafficking and Judicial ‘Divination’ in Hong Kong” (2018) 48 *Hong Kong Law Journal* 807 – 818 (with Kenneth Lee)
30. “Colocation is Constitutional” (2018) 48 *Hong Kong Law Journal* 37 – 50 (with Jiang Zixin)
31. “Exploring the Political Question Doctrine in Hong Kong” (2017) *Singapore Academy of Law Journal* 690 – 718
32. “Legislative Oaths and Judicial Intervention in Hong Kong” (2017) 47 *Hong Kong Law Journal* 1 – 15 (with Eric Chan)
33. “New Democracies and Novel Remedies” (2017) *Public Law* 30 – 45
34. “Constitutional Fig Leaves in Asia” (2016) 24 *Washington International Law Journal* 421 – 445
35. “The U.K. Supreme Court at War” (2015) 23 *Washington International Law Journal* 363 – 390
36. “Public Entertainment and the Interpretive Dilemma in *T v Commissioner of Police*” (2015) 45 *Hong Kong Law Journal* 1 – 12
37. “The Conundrum of Unconstitutional Constitutional Amendments” (2015) *Global Constitutionalism* 114 – 136
38. “A Typography of Constitutional Arguments in Hong Kong” (2014) 44 *Hong Kong Law Journal* 459 – 482
39. “Public Welfare and Over-enforcement of Socio-economic Rights in Hong Kong” (2014) 44 *Hong Kong Law Journal* 41 – 54 (with Thomas Wong)
40. “A Taxonomy of Constitutional Arguments” (2014) 35 *Statute Law Review* 211 – 229 (Oxford University Press)
41. “Transsexual Marriage in Hong Kong: Going Beyond Bellinger” (2013) 129 *Law Quarterly Review* 503 – 507
42. “Section 377A and Equal Protection in Singapore: Back to 1938?” (2013) 25 *Singapore Academy of Law Journal* 630 – 640
43. “Dialogue and Subconstitutional Doctrines in Common Law Asia” (2013) *Public Law* 779 – 799
44. “Defending Dialogue” (2012) *Public Law* 527 – 546

45. “*Sienkiewicz v Greif*: Causation and Risk of Injury” (2011) 19 *Tort Law Review* 61 – 64
46. “*Vallejos Evangeline B. v Commissioner of Registration*: Why Foreign Domestic Helpers Do Not Have the Right of Abode” (2011) 41 *Hong Kong Law Journal* 611 – 620
47. “*Democratic Republic of the Congo v FG Hemisphere*: Why Absolute Immunity Should Apply but a Reference was Unnecessary” (2011) 41 *Hong Kong Law Journal* 393 – 400
48. “Negligence in Hong Kong: Turning *Caparo* on its Head?” (2011) 127 *Law Quarterly Review* 358 – 362
49. “Constitutionalising Capital Crimes: Judicial Virtue or ‘Originalism’ Sin?” (2011) *Singapore Journal of Legal Studies* 281 – 288  
Cited by the court in *Yong Vui Kong v Public Prosecutor* [2015] SGCA 11, [34] (Court of Appeal of the Republic of Singapore)
50. “Rethinking the Illegality Defence in Tort Law” (2010) 18 *Tort Law Review* 52 – 64  
Cited by the court in *Leason v Attorney-General* [2014] 2 NZLR 224, [103] (New Zealand Court of Appeal)
51. “The ‘Dead’ Constitution: Crime and Punishment in Singapore” (2010) 40 *Hong Kong Law Journal* 577 – 592
52. “Indeterminate Causes of Personal Injuries and Probabilistic Risk-based Assessments” (2009) 17 *Tort Law Review* 175 – 187
53. “Pure Economic Loss and Defects in the Law of Negligence” (2009) 17 *Tort Law Review* 80 – 99
54. “Collateral Challenges in Criminal Proceedings: Mayday for Citizens Radio” (2009) 39 *Hong Kong Law Journal* 189 – 196
55. “Understanding Public Interest Litigation in Hong Kong” (2008) 37 *Common Law World Review* 257 – 276  
Cited by the court in *Dumas v Attorney General of Trinidad and Tobago* Civil Appeal No. P 218 of 2014, [53] (Court of Appeal of the Republic of Trinidad and Tobago)
56. “Enlisting Close Connections: A Matter of Course for Vicarious Liability?” (2008) 28 *Legal Studies* 197 – 214
57. “Interpreting the Basic Law and the Adjudication of Politically Sensitive Questions” (2007) 6 *Chinese Journal of International Law* (Oxford University Press) 543 – 564
58. “10 Years of the Basic Law: The Rise, Retreat and Resurgence of Judicial Power in Hong Kong” (2007) 36 *Common Law World Review* 166 – 191 (also published as “Constitutional Review under the Basic Law: The Rise, Retreat and Resurgence of Judicial Power in Hong Kong” (2007) 37 *Hong Kong Law Journal* 449)
59. “Rethinking Constitutional Review in America and the Commonwealth: Judicial Protection of Human Rights in the Common Law World” (2006) 35 *Georgia Journal of International and Comparative Law* 99 – 142

## **EDITORSHIPS**

- 2016 – 2021            Editor, *Asian Journal of Comparative Law* (Cambridge University Press, UK)
- 2007 – present        Articles Editor, *Hong Kong Law Journal* (Sweet & Maxwell Asia, Hong Kong)

## **AWARDS AND HONOURS**

- 2019    HKU Faculty of Law Research Output Prize, for *Courts and Democracies in Asia* (Cambridge University Press, 2017) (232 pages) (sole author)
- 2016    HKU Outstanding Young Researcher Award
- 2016    HKU University Research Output Prize, for *Constitutional Dialogue in Common Law Asia* (Oxford University Press, 2015) (244 pages) (sole author)
- 2013    HKU Faculty of Law Research Output Prize, for “Defending Dialogue” (2012) *Public Law* 527 – 546
- 2008    HKU Faculty of Law Research Output Prize, for “10 Years of the Basic Law: The Rise, Retreat and Resurgence of Judicial Power in Hong Kong” (2007) 36 *Common Law World Review* 166 – 191

## **RESEARCH GRANTS**

### External Peer-Reviewed Competitive Research Grants:

- 2017    General Research Fund (GRF) Grant. Project Title: “Courts and Democracies in Asia” (Principal Investigator). Funding received: \$736,600 HKD (ongoing)
- 2014    General Research Fund (GRF) Grant. Project Title: “Constitutional Dialogue in Common Law Asia” (Principal Investigator). Funding received: \$675,920 HKD (completed)

(Last updated: December 2021)