

CORA S. W. CHAN (陳秀慧)

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EDUCATION

BCL, University of Oxford (Distinction; Ralph Chiles CBE Award in Human Rights, 2007)

PCLL, University of Hong Kong (Distinction, 2006)

LLB, University of Hong Kong (1st Class Honours, 2005)

BSocSc (Government & Laws), University of Hong Kong (1st Class Honours, 2004)

EMPLOYMENT

July 2015 – present Associate Professor, Faculty of Law, University of Hong Kong

Dec 2009 – Jun 2015 Assistant Professor, Faculty of Law, University of Hong Kong

2007 – 2009 Trainee Solicitor, Baker & McKenzie, Hong Kong (qualified as a solicitor in Hong Kong in 2009)

SPECIALISED AREAS

Public law, human rights, constitutional theory

AWARDS AND DISTINCTIONS

1. Awarded the 2017-2018 Outstanding Young Researcher Award by the University of Hong Kong. This award is granted in recognition of scholars in the University below the age of 40 who have produced “extremely high quality research”.
2. Paper on “Proportionality and Invariable Baseline Intensity of Review” awarded the 2012 Best Paper Prize by the Society of Legal Scholars from eligible entries amongst some 270 papers presented at the Society’s annual conference. The

judges described the paper as having made “an original, well-argued and important contribution to scholarship” in the field.

3. In addition to obtaining the competitive Early Career Scheme grant of the Hong Kong Research Grants Council, my grant proposal on “Judicial deference in constitutional rights adjudication” was also awarded the 2013 Early Career Award by the same body in recognition of the excellent quality of the proposal. Only 5% of top junior scholars are shortlisted for this award. My grant application was given the full score of 5.0. To my knowledge, I am thus far the only recipient of the award from the field of law.
4. Article on “Deference, Expertise and Information-Gathering Powers” awarded the 2012-2013 Research Output Prize by the University of Hong Kong. This prize is awarded to the best research output in a faculty of the University in the relevant year.
5. Paper on “Deference, Expertise and Intelligence-Gathering Powers” was one of the 4 shortlisted for the 2011 Best Paper Prize by the Society of Legal Scholars from eligible entries amongst some 300 papers presented at the Society’s annual conference.
6. Doris Zimmern HKU-Cambridge Hughes Hall Fellowship 2013-2014, awarding me the status of fellow at Hughes Hall and covering accommodation and college fees during my stay at the University of Cambridge as a visiting scholar from 3-31 March 2014.
7. Article on “Proportionality and Invariable Baseline Intensity of Review” awarded the 2014 Faculty Research Output Prize by the University of Hong Kong.
8. Article on “Implementing China and Hong Kong’s Preliminary Reference System: Transposability of Article 267 TFEU Principles” awarded the 2015 Faculty Research Output Prize.
9. Faculty Outstanding Teaching Award 2014

SELECT PUBLICATIONS

Edited collection

1. Cora Chan and Fiona de Londras (eds), *China’s National Security: Endangering Hong Kong’s Rule of Law?* (Hart Publishing, forthcoming 2020)

Journal articles

2. Cora Chan, “Demise of ‘One Country, Two Systems’? Reflections on the Hong Kong Rendition Saga” (2019) 49(2) *Hong Kong Law Journal* 447-457

3. “Thirty years from Tiananmen: China, Hong Kong, and the ongoing experiment to preserve liberal values in an authoritarian state” (2019) 17(2) *International Journal of Constitutional Law* 439-452.
4. “Problems with *Wednesbury* Unreasonableness in Contract Law: Lessons from Public Law”, (2019) 135(Jan) *Law Quarterly Review* 88-113 (with Ernest Lim, equal contribution)
5. “Rights, Proportionality and Deference: A Study of Post-Handover Judgments in Hong Kong”, (2018) 48(1) *Hong Kong Law Journal* 51-78
6. “Legalizing Politics: an Evaluation of Hong Kong’s Recent Attempt at Democratization” (2017) 16(2) *Election Law Journal* 296-305
7. “A Preliminary Framework for Measuring Deference in Rights Reasoning” (2016) 14(4) *International Journal of Constitutional Law* 851-882
8. “Implementing China and Hong Kong’s Preliminary Reference System: Transposability of Article 267 TFEU Principles” [2014] *Public Law* 642-661
9. “The Burden of Proof under the Human Rights Act” [2014] *Judicial Review* 46-51
10. “Proportionality and Invariable Baseline Intensity of Review” (2013) 33(1) *Legal Studies* 1-21
11. “Deference, Expertise and Information-Gathering Powers” (2013) 33(4) *Legal Studies* 598-620
12. “State Immunity: Reassessing the Boundaries of Judicial Autonomy in Hong Kong” [2012] *Public Law* 601-610
13. “Deference and the Separation of Powers: An Assessment of the Court’s Constitutional and Institutional Competences” (2011) 41 *Hong Kong Law Journal* 7-25
14. “Reconceptualising the Relationship between the Mainland Chinese Legal System and the Hong Kong Legal System” (2011) 6(1) *Asian Journal of Comparative Law* 1-28
15. “Judicial Deference at Work: Some Reflections on *Chan Kin Sum* and *Kong Yun Ming*” (2010) 40 *Hong Kong Law Journal* 1-10

Case notes and international survey

16. “Hong Kong – public entertainment licence only required if admission is controlled. Court of Final Appeal decision, *T v Commissioner of Police* [2014] HKCFA 71” [2015] *Public Law* 161-162 (International Survey)

17. “Hong Kong – Post-Operative Transsexuals Have Right to Marry, Court of Final Appeal decision, *W v Registrar of Marriages*” [2014] *Public Law* 343-344 (International Survey)
18. “Introduction: *Kong Yunming v Director of Social Welfare*” (2014) *Hong Kong Law Journal* 1-5

Book chapters

19. “A Principled Approach to Judicial Deference for Hong Kong”, in a special volume on “Deference to the Administration” edited by Guobin Zhu in *Ius Comparatum: Global Studies in Comparative Law* (Springer, forthcoming)
20. “Subnational Constitutionalism”, in David S. Law (ed), *Constitutionalism in Context* (Cambridge University Press, forthcoming)
21. China’s National Security in Hong Kong: A Challenge for Constitutionalism, Autonomy, and the Rule of Law”, in Cora Chan and Fiona de Londras (eds), *China’s National Security: Endangering Hong Kong’s Rule of Law?* (Hart Publishing, forthcoming 2020) (with Fiona de Londras, equal contribution)
22. “Building rule of law resilience through institutions: a proposed institutional infrastructure for national security legislation,” in Cora Chan and Fiona de Londras (eds), *China’s National Security: Endangering Hong Kong’s Rule of Law?* (Hart Publishing, forthcoming 2020) (with Fiona de Londras, equal contribution)
23. “The Constitutional Project of ‘One Country, Two Systems’ in Hong Kong: Reflections on Yash Ghai’s Scholarly Contribution” in a liber amicorum in honour of Prof Yash Ghai (John Ambani and Humphrey Sipalla (eds), Strathmore University Press, forthcoming) (with Prof Albert Chen)
24. Report on Hong Kong, in Richard Albert, David Landau, Pietro Faraguna, Simon Drugda (eds) *The I·CONnect-Clough Center 2018 Global Review of Constitutional Law* (October 18, 2019). ISBN: 978-0-692-15916-3. Published by the Clough Center for the Study of Constitutional Democracy (2019). Available at SSRN: <https://ssrn.com/abstract=3471638> or <http://dx.doi.org/10.2139/ssrn.3471638> (with Swati Jhaveri and Pui Yin Lo, equal contribution)
25. “Business as Usual: Deference in Counter-Terrorism Judicial Review” in Fergal F. Davis and Fiona de Londras (eds) *Critical Debates on Counter-Terrorism Judicial Review* (Cambridge: Cambridge University Press, 2014) pp 228-250
26. “Adult Guardianship Law in China: Traditional Values and Modern International Developments”, in A. Kimberley Dayton (ed), *Comparative Perspectives on Adult Guardianship*, pp 123-136 (Durham, North Carolina: Carolina Academic Press, 2014) (with Rebecca Lee, equal contribution)

27. “Expounding the constitutional framework for political reform in Hong Kong” in Ming Sing (ed), *Democracy and Hong Kong Governance* (Step Forward Multimedia, 2016) (in Chinese)

Academic blogs

28. “Demise of ‘One Country, Two Systems’?: Reflections on the Hong Kong Rendition Saga”, *VerfBlog*, 2019/6/28, <https://verfassungsblog.de/demise-of-one-country-two-systems/>, DOI: <https://doi.org/10.17176/20190628-232614-0>.
29. “The Legal Limits on Beijing’s Powers of Interpreting the Basic Law”, HKU Legal Scholarship Blog, 3 November 2016, available at <http://researchblog.law.hku.hk/2016/11/cora-chan-on-legal-limits-of-beijings.html>
30. “When, if ever, will Hong Kong see democracy?” U.K. Constitutional Law Blog, 7 July 2014, available at <http://ukconstitutionallaw.org/2014/07/07/comment-on-hong-kong-cora-chan-when-if-ever-will-hong-kong-see-democracy/>

RESEARCH GRANTS

Success rate of application: **100%**

External grants –

1. 2017-2019: Awarded a British Academy / Leverhulme Small Research Grants for a project on “China’s National Security: Endangering Hong Kong’s Rule of Law?” (with Prof Fiona de Londras, University of Birmingham; fund awarded: GBP 9,350; grant period: 1 May 2017 – 31 July 2019)
2. 2013-2017: Hong Kong Research Grants Council’s Early Career Grant on “Judicial deference in constitutional rights adjudication: constructing an approach for post-handover Hong Kong” (PI; total fund awarded: HK\$501,448; grant period: 1 Nov 2013 – 30 Apr 2017; completed)
3. 2016: Co-investigator of a project on “Constitutional Conventions in the Hong Kong Legislative Council” (translated title), funded by National Philosophy and Social Science Fund of China. (PI: Dr Huang Mingtao, Wuhan University; fund awarded: RMB 200,000; completed)

HKU research grants –

4. 2012: Small Project Funding on “Deference, intensity of review and the integrity of proportionality” (PI; fund awarded: HK\$80,000 (maximum amount awardable); completed)
5. 2010: Seed Funding for Basic Research on “In search for a principled approach to judicial deference: constitutional rights review local and abroad” (PI; fund awarded: HK\$120,000 (maximum amount awardable); completed)

**EDITORSHIPS AND PROFESSIONAL AFFILIATIONS AND ACTIVITIES
(all except the last three are by invitation or upon election)**

- Appointed by Hong Kong's University Grants Committee as a member of the Law Panel for the upcoming Research Assessment Exercise (RAE) 2020
- Member, Scientific Advisory Board of the *International Journal of Constitutional Law* (Oxford University Press and New York University School of Law) (March 2017 – present)
- Elected member, General Council of the International Society of Public Law (July 2017 – present)
- Examiner for PCLL Conversion examination on Constitutional Law (2018-2019)
- External Academic Advisor to Associate Degree of Social Science in Legal Studies for Community College of City University (2017-2018, 2018-2019)
- Selected by the University of Hong Kong for the inaugural HKU-10 programme, a women leadership mentorship programme for ten of the University's "most promising female associate professors" (2017-2018)
- Co-Chair of the Planning and Priorities Sub-Committee for the Inaugural Younger Scholars Forum of the 20th Congress of the International Academy of Comparative Law held in Fukuoka, Japan (July 2018)
- Articles Editor, Hong Kong Law Journal (Hong Kong: Sweet & Maxwell) (June 2011 – present)
- Editor, Asia-Pacific Journal on Human Rights and the Law (Leiden – Boston: Brill Nijhoff) (April 2013 – present)
- Hong Kong Correspondent for the U.K. Constitutional Law Association (Feb 2013 – present)
- Contributor to the International Survey section of Public Law (Dec 2013 and Jan 2015)
- Member, Society of Legal Scholars, U.K. (July 2011 – present)
- Member, U.K. Constitutional Law Association (July 2014 – present)
- Fellow, Centre for Comparative and Public Law, University of Hong Kong (2010 – present)

INVITED PRESENTATIONS AND CONERENCE PAPERS

- Invited to speak on “Demise of ‘One Country, Two Systems’? Reflections on the Hong Kong Rendition Saga”, Centre for Asia-Pacific Initiatives at University of Victoria (via video-link), Sept 2019
- Invited to be a commentator on Justice Carlos Bernal Pulido and Prof Alec Stone Sweet’s presentations at “Panel Discussion and Book Launch: Proportionality and Constitutional Adjudication”, University of Hong Kong, Sept 2019
- Invited to deliver a response to David Dyzenhaus, “Legal Theory and The Politics of Legal Space”, at Panel Discussion on The Authoritarian Rule of Law Legal – Theory and the Politics of Legal Space, University of Hong Kong, May 2019
- Invited to be a commentator at Comparative Constitutional Law workshop on Courts and Democracies, University of Hong Kong, July 2019
- Invited to speak on “Judicial Deference: A Principled Approach for Hong Kong” in the capacity of National Rapporteur of Hong Kong on the theme of “Deference to the Executive in Judicial Review”, at the International Academy of Comparative Law 20th Congress, Kyushu University, Fukuoka, July 2018
- Invited to speak on “Parliamentary Sovereignty” and “Rule of Law” at Wuhan University, China, April 2018
- Invited participant in conference on “The 20th Anniversary of the Implementation of the Hong Kong Basic Law: the Role and Limits of the Hong Kong Legislative Council” (translated title), Wuhan University, China, March 2017
- “Legalizing politics: an evaluation of Hong Kong’s recent attempt at democratization”, Oxford-Renmin-HKU conference on “Constitutional Traditions from China and the West” held at Trinity College, Oxford, Sept 2016
- “Measuring Judicial Deference in Constitutional Rights Adjudication”, Administrative Law Discussion Forum, Academic Sinica, Institutum Iurisprudentiae, Taipei, June 2014
- “Implementing China and Hong Kong’s Preliminary Reference System: Transposability of Article 267 TFEU Principles”, Durham Law School, March 2014
- “Measuring Judicial Deference in Constitutional Rights Adjudication”, Centre for Public Law Seminar, University of Cambridge, March 2014
- “Implementing China and Hong Kong’s Preliminary Reference System: Transposability of Article 267 TFEU Principles”, UK-China Conference on Public Law, Renmin University Law School, Beijing, Sept 2013
- “Proportionality and Invariable Baseline Intensity of Review”, workshop on “Proportionality and Democratic Accountability” organised by Academia Sinica, Institutum Iurisprudentiae, Taipei, July 2013.

- “Business as Usual: Deference in Counter-Terrorist Judicial Review”, conference on “Critical Debates on Counter-Terrorist Judicial Review” organised by the Human Rights Centre of the University of Durham, June 2013

OTHER PRESENTATIONS AND CONFERENCE PAPERS

- (Two papers have been accepted for presentation at the International Society of Public Law conference at Santiago and the Public Law for Four Jurisdictions Conference at Witswatersrand, respectively, in July 2019, but the trips had to be cancelled for health reasons)
- “Subnational Constitutionalism: The Case of Hong Kong” and “Legal Pluralism: a Means of Sustaining Liberal Constitutionalism Within Authoritarianism? The Case of China and Hong Kong” (the latter with Prof Nick Barber from Oxford), International Society of Public Law 5th Annual Conference, University of Hong Kong, June 2018
- “Building a New Institutional Infrastructure”, Conference on “China’s National Security: Endangering Hong Kong’s Rule of Law?”, Centre for Comparative and Public Law, University of Hong Kong, Dec 2017
- “Hong Kong Courts and Chinese Institutions: Pluralism, Autonomy and Power Balance”, International Society of Public Law 4th Annual Conference, University of Copenhagen, June 2017
- Organizer and speaker at roundtable on “Article 23 legislation: concerns and imperatives 13 years on”, Centre for Comparative and Public Law, University of Hong Kong, August 2016
- “Rights, Proportionality and Deference: An Empirical Study of Judgments in Post-Handover Hong Kong”, International Society of Public Law 3rd Annual Conference, Humboldt University, June 2016
- “A Preliminary Framework for Measuring Deference in Rights Reasoning”, Society of Legal Scholars Conference, University of York, Sept 2015
- “Abuse of Power: Is there a Public-Private Law Divide? The Public Law View”, Dialogue with Prof Sarah Worthington (Cambridge) at University of Hong Kong, April 2015
- “Framework for Measuring Judicial Deference in Constitutional Rights Cases”, Law and Political Theory Discussion Group, Oct 2014
- “Implementing China and Hong Kong’s Preliminary Reference System: Transposability of Article 267 TFEU Principles”, World Congress of Constitutional Law, University of Oslo, June 2014

- “Measuring Judicial Deference in Constitutional Rights Adjudication”, UCL-HKU Conference on “Judicial Review in a Changing Society”, University of Hong Kong, April 2014
- “Implementing China and Hong Kong’s Preliminary Reference System: Transposability of Article 267 TFEU Principles”, UK-China Conference on Public Law, Renmin University Law School, Sept 2013
- “Proportionality and Invariable Baseline Intensity of Review”, Society of Legal Scholars Conference, University of Bristol, Sept 2012
- “Deference, Expertise and Intelligence-Gathering Powers”, Society of Legal Scholars Annual Conference, University of Cambridge, Sept 2011
- “Implications of *FG Hemisphere v Congo* on Judicial Autonomy in Hong Kong”, 4th Asian Constitutional Law Forum, University of Hong Kong, Dec 2011
- “Deference on the Ground of Democratic Legitimacy”, 3rd Biennial HKU-NUS-SMU Symposium, University of Hong Kong, Nov 2010
- “Legal Pluralism and China’s ‘One Country, Two Systems’ Model”, 7th Asian Law Institute Conference, International Islamic University Malaysia, May 2010

VISITORSHIPS

- Guest lecturer, Wuhan University, April 2018
- Visiting scholar, University of Cambridge, 3-31 March 2014
- Visiting scholar, Faculty of Law, University of Durham, 10-14 June 2013

PEER REVIEW EXPERIENCE

- Served as peer reviewer for top-tier journals including *Oxford Journal of Legal Studies*, *Civil Justice Quarterly*, *Legal Studies*, *International Journal of Constitutional Law*, *American Journal of Comparative Law*, *McGill Law Journal*, *Melbourne Journal of International Law*, *Asian Journal of Comparative Law*, *University of Queensland Law Journal*, *Chinese Journal of Comparative Law*, and *Review of Constitutional Studies*, and for Hart Publishing; served as external assessor for Academic Sinica, Institutum Iurisprudentiae

TEACHING

- Awardee of the Faculty Outstanding Teaching Award 2014
- Co-lecturer and tutor of two compulsory courses, Constitutional Law and Administrative Law, and have taught at both the LLB and JD levels.

- Course coordinator of LLB Constitutional Law (2011-2018) and LLB and JD Administrative Law (2014-2015, 2018-2019).

POSTGRADUATE SUPERVISION

- Primary supervisor of Ms Taufika Umme: full-time PhD commenced in Sept 2016 (until Aug 2019, when my role became secondary supervisor. The change in supervision was made because I will be on leave and teaching relief in 2019-2020 and 2020-2021)
- Co-supervisor of Mr Wong Kai Yeung: part-time SJD commenced in 2013

MAJOR ADMINISTRATIVE ROLES

- Deputy Head, Department of Law (July 2017 – present)
- Director of the Bachelor of Laws programme (July 2017 – present)
- Member of the LLB Admissions Committee (2009 – present)
- Co-opted member of the Faculty of Law's Promotion and Tenure Panel (July 2018 – present)
- Member of the Faculty Higher Degrees Committee (Sept 2014 – present)
- Member of the Board of Studies of Bachelor of Social Sciences (Government & Laws) and the Bachelor of Laws (2010 – present)
- Member of the Organizing Committee for the International Society of Public Law's 5th Annual Conference held at University of Hong Kong (June 2017 – June 2018)
- Director of the dual degree programme of Bachelor of Social Sciences (Government & Laws) in conjunction with LLB (July 2013 – June 2017)
- Elected to the Search Committee for the Sir Y.K. Pao Chair in Public Law (2015-2016)
- Member of the Law and Political Theory discussion group, which comprises colleagues from the Department of Law and Department of Politics and Public Administration at the University of Hong Kong (June 2014 – 2015)
- Faculty Representative on the HKU Law Alumni Association Executive Committee (Jan – Dec 2015)

COMMUNITY SERVICE AND KNOWLEDGE EXCHANGE (a full list of media appearances, community services and knowledge exchange activities is available upon request)

- Organizer and moderator for Centre for Comparative and Public Law conference on “Extradition Law and Human Rights: Does the Hong Kong Government’s Bill Provide Sufficient Safeguard for Our Rights?”. The event was attended by over 200 people and the live-streaming accessed over 1000 times. The event was widely covered in the media. (June 2019)
- Filmed sessions to introduce themes in the Hong Kong Basic Law for an online civic education course on such law. Filming was done by HKU as part of the MOOCs (Massive Open Online Courses) (June 2019)
- Featured in in-depth interview by City Magazine on the rule of law in Hong Kong and teaching and research in law (City Magazine, April 2019 issue, pp 80-83)
- Commentator at “HKU Law at 50 Book Talk: An Ongoing Journey” commenting on new books by Prof Johannes Chan and Dr Margaret Ng and on various aspects of the rule of law. (11 Oct 2018) The event was attended by over 200 people. Substantial parts of my speech were reported in Mingpao (25 Nov 2018).
- Member of the Law Panel for the Hong Kong University Grants Committee’s Research Assessment Exercise 2020
- Examiner for PCLL Conversion examination on Constitutional Law (2018-2019)
- External academic advisor to Associate Degree of Social Science in Legal Studies for Community College of City University (2017-2018, 2018-2019)
- Speaker in the episode on “Judicial Review” of the programme “Hong Kong Connection” by Radio Television Hong Kong (released on 6 Feb 2017)
- Dialogue with Prof Scott Veitch on Freedom of Expression, Amnesty International Hong Kong (Feb 2017)
- Op-ed: “How Hong Kong’s courts interpret Beijing’s interpretation of the Basic Law may yet surprise”, *South China Morning Post*, 9 November 2016, available at <http://www.scmp.com/comment/insight-opinion/article/2044385/how-hong-kongs-courts-interpret-beijings-interpretation>
- Interviewed by or featured in international presses (including New York Times and Foreign Policy) and local presses (including Mingpao, Apple Daily, South China Morning Post) on legal issues.
- Interviewed by Richard Albert on I-CONnect, the blog of the International Journal of Constitutional Law, on “Democratic Reform in Hong Kong” (Oct 2014)

- Adviser to Empowerment for All, a project initiated by law undergraduates to assist NGOs in Hong Kong with their legal and policy research. (Dec 2014 – June 2016)
- Regularly consulted by practitioners on public law issues
- Major role as fellow of the Centre for Comparative and Public Law of University of Hong Kong in organising a series of seminars on electoral reform (Feb – May 2014)
- Op-ed: “Court’s ruling on transgender marriage rights raises hopes for other minorities” *South China Morning Post*, 21 May 2013, available at <http://www.scmp.com/comment/insight-opinion/article/1242095/court-ruling-transgender-marriage-raises-hopes-other>
- Conducting two workshops to introduce the Basic Law to the general public, as part of the Basic Law Comic / Motion Comic Design Contest organised by the Home Affairs Bureau and Committee on the Promotion of Civic Education (27 Oct & 3 Nov 2012)
- Recording of the Radio Television Hong Kong programme “Opening the door to politics” (translated title), aimed at enhancing the public’s understanding of basic political and legal concepts. The recording was used to encourage the public to vote in the Legislative Council elections in Sept 2012, and is now available on the web for public education.
- Assisted in designing activities for Teen Talk 2011, organised by the Law Society of Hong Kong. Over 2,000 secondary school students attended the event.
- Keynote speaker on “Core Values of Hong Kong’s Legal System” at the Hong Kong Young Leaders Congress 2010, delivered at the Chinese University of Hong Kong, organised by the Hong Kong Special Administrative Region Outstanding Students’ Union