

## An Online Workshop on the Court Decisions of the Anti-mask Case

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An online workshop surrounding the recent judgments of the ‘anti-mask law’ organized by the School of Law of the City University of Hong Kong convened by **Prof. Zhu Guobin** was held on April 25, 2020. The symposium was fortunate enough to invite legal and policy experts from mainland China, Hong Kong, and Macau to express their academic views on the policy issues involved. Professor Zhu started off by elaborating on the judgments of the ‘anti-mask case’, the issues to be discussed at this workshop, and a warm welcoming to all the speakers, invited guests and attendees.



Given that the case is still undergoing judicial proceedings, therefore, the workshop focused mostly on the academic side rather than commenting on the outcome of the case. The workshop was divided into two sessions, with the first session consisted of experts and scholars presenting

their views and opinions on the case, while the second session consisted mostly of participants asking questions and interacting with each other.

**Prof. Han Dayuan** (Renmin University of China) pointed out four academic issues arising from the judgment of this case, including the theme of continuity, standards of review in examining the constitutionality of laws, Art 160 of the Basic Law, and the open texture of the Basic Law. **Prof. Chen Hung-Yee** (University of Hong Kong) spoke of the doctrine of effacement under the common law and the power of constitutional review of Hong Kong courts. **Prof. Chen Duanhong** (Peking University) addressed the topic surrounding on the high degree of autonomy and the use of emergency power.

**Prof. Wang Lei** (Peking University) discussed the allocation of legislative power in Hong Kong before and after 1997. **Prof. Zou Pingxue** (Shenzhen University) talked about when and how the Central People's Government should express their view on cases with significant social impacts in Hong Kong. **Dr. Chen Xinxin** (Chinese Academy of Social Science) discussed the allocation of emergency powers under 'One Country, Two Systems' and the separation of powers in the HKSAR. **Professor Yang Xiaonan** (Dalian Maritime University) discussed the application of the proportionality test in judicial review.

**Dr. Zhu Shihai** (University of Science and Technology Macau) discussed on the constitutionality of the ERO. **Dr. Zhai Xiaobo** (University of Macau) argued on the emergency power of the Chief Executive under the Basic Law. **Dr. Huang Mingtao** (Wuhan University) shared his doubts regarding the judgment of the Court of Appeal. **Dr. Zhang Xiaoshan** (City University of Hong Kong) discussed the adoption of Basic Law-compliant interpretation in this case. Last but not least, **Prof. Fu Hualing** (University of Hong Kong) addressed the tension between the theme of continuity raised in *David Ma* and the new constitutional order insisted in *Ng Ka Ling*.

**Prof. Wang Lei** chaired the second session. This session allowed experts to answer questions asked by other participants. **Dr. Zhou Ruiheng** (Beihang University) talked about 'when' the correct time would be for the Hong Kong courts to refer to extraterritorial public law cases. **Prof. Chen Hung-Yee** expressed his appreciation on the significance of the workshop, saying that it was timely, with a lot of theoretical depth and knowledge, and most importantly, of great practical significance. He hoped that a series of papers could be collected and formed. **Dr. Huang Mingtao** expressed his understanding and support for the position of the courts under such difficult circumstance. Lastly, **Prof. Zhu Guobin** discussed the possibility of a final appeal and the likely final judgment of the case. He expressed his gratitude to all invited speakers and all participants for their participation and support.

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