

CPLR E-Newsletter

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Public Law and Human Rights Forum, School of Law, City University of Hong Kong



Public Law and
Human Rights Forum

香港城市大學
City University of Hong Kong

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Welcome to the new issue of the CPLR E-Newsletter.

In the first half year of 2022, the CPLR hosted a rich diversity of academic events to stimulate discussions and raise public awareness on some of the most topical issues, including but not limited to: the future legal cooperation in the Greater Bay Area; the needs of persons with disabilities in public health emergencies; the future of Afghanistan after the Taliban takeover; recent developments on public law principles and human rights law. In these events, top scholars, experts, legal practitioners and government officials from around the world were brought together to share their expertise with a broad audience.

We are also pleased to update you on our members' publications, media presence and research grants captured during the reporting period. Hope you enjoy reading our newsletter and stay in touch with us!

Highlights of Events (January – June 2022)

The New Electoral System of the HKSAR: Constitutional, Institutional and International Perspectives

24 June 2022

Funded by "The Project of the Study of the Implementation of the Hong Kong Basic Law"

Supported by "Association of Chinese Law (HK)"

Moderator: Prof. ZHU Guobin, Director of CPLR, School of Law, CityU

Panel Chairs: Prof. QIN Qianhong, School of Law, Wuhan University

Prof. CHEN Xinxin, Director of the Center for Taiwan, Hong Kong and Macao Laws Studies of CASS Law Institute

Prof. HUANG Mingtao, School of Law, Wuhan University

In response to Beijing calls for electoral reform, the Hong Kong legislature enacted the Improving Electoral System (Consolidated Amendments) Ordinance in May 2021. To discuss the impact of this electoral change on the political and constitutional development of HKSAR, a total of 12 scholars and experts were invited to share their professional observations, academic views and findings on this topic. Speakers included: **Prof. CHEUNG Bing Leung Anthony**, GBS, JP from EdUHK; **Prof. CHENG Jie** from the University of British Columbia;

Prof. LO Shiu Hing Sonny from HKU SPACE; **Prof. YE Haibo** and **Prof. ZOU Pingxue** from Shenzhen University; **Prof. Han Dayuan** from Renmin University of China; **Prof. YANG Xiaonan** from School of Law, Dalian Maritime University; **Prof. HE Junzhi** from Sun Yat-Sen University; **Prof. WANG Jiangyu** and **Prof. ZHU Guobin** from CityU; **Prof. SUN Yang** from Nanjing University, and **Dr. ZHANG Xiaoshan** from Guangdong University of Foreign Studies.



Please click here ([Eng/Chi](#)) for a recap of the online symposium.

Webinar Series on Asian Perspectives on Human Rights (V) Water as Human Right: Critical Asian Perspective on its Present and Future Dimensions

09 June 2022

Moderator: *Dr. Fozia Lone, Associate Professor, Associate Director of CPLR, School of Law, CityU*

Panellists: *Prof. Adeel ZAFAR, Executive Director, Pacific Water Research Centre*

Prof. Otto SPIJKERS, Professor at Wuhan University's China Institute of Boundary and Ocean Studies (CIBOS)

Prof. Shahbaz KHAN, Director of UNESCO Beijing, UNESCO Representative to the Democratic People's Republic of Korea, Japan, Mongolia, People's Republic of China, and the Republic of Korea)

Prof. Huiping CHEN, Professor of International Law, School of Law, Xiamen University

Prof. Khin Ni Ni THEIN, Founder and Chairperson of the Water Mothers Organization

In 2010, the United Nations formally recognised access to safe drinking water as one of the fundamental human rights. Later in 2015, 'water goal' (SDG6) was set out in the 2030 Agenda for Sustainable Development. Against this backdrop, five experts on water right were invited to discuss the connection between SDG6 and the right to water, the factors that might affect water quality and how the governance framework for equitable access to water can be further scrutinised and improved in this webinar.



The webinar recording can be accessed [here](#).

Webinar Series on Asian Perspectives on Human Rights (IV) Who Won the War in Afghanistan? The Present and Future of Human Rights and Governance Under the Taliban Regime

26 May 2022

Moderator: *Dr. Fozia LONE, Associate Director of CPLR, School of Law, CityU*

Panellists: *Prof. WANG Jianguy, Director, Centre for Chinese and Comparative Law, School of Law, CityU*

Ms. Norah NILAND, Co-Founder, Activist, United Against Inhumanity

Dr. James FRY, Associate Professor, Faculty of Law, the University of Hong Kong

Mr. Sangar PAYKHAR, Host of the Afghan Eye Podcast, Freelance Journalist

Ms. Pashtana KHATAB, Clinical Psychologist/Therapist and Active Afghan Diaspora

The United States military withdrawal and the subsequent takeover of Afghanistan by the Taliban have triggered profound concerns among the global community. Countries have decided to withdraw their aid and cut off Afghanistan Central Bank from the international banking system as they question the legitimacy of the Taliban government and believe the Taliban should be responsible for the erosion of human rights across the country. All these conflicts and decisions have pushed Afghanistan's economy to the verge of collapse. This webinar first introduced the history of the forty-year war, moving on to discuss the impact of the war and on what term should the international community engage with the Taliban government to improve the country's social stability and protect the human right of its people.



Please click here ([Eng](#)/[Chi](#)) for a recap of the webinar.

Public Law and Human Rights Book Review Seminar Series (3) - The Concept of Proportionality in Public Law (City University of Hong Kong Press, 2020)

17 May 2022

Moderator: *Dr. Daniel PASCOE, Associate Professor, Core Member of CPLR, School of Law, CityU*

Author: *Dr CHUNG Wai Man Franco, HKU PCLL Student; CityU PhD Graduate; Public Law Researcher*

Reviewer: *Dr LO Pui Yin, Barrister-at-law (England & Wales and Hong Kong)*

The Public Law and Human Rights Book Review Seminar Series is a collaboration between the CPLR and the Asia Pacific Law Review (APLR). The seminars aim to promote new publications in the



field of Public Law and Human Rights to a broader community and provide a platform for scholars to exchange ideas and comments in respect of the publication.

The author explained that the concept of proportionality means measures adopted by executive authorities should not exceed the limits of what is appropriate and necessary in order to achieve legitimate objectives in the interest of the public. This book provided an in-depth analysis on the extent to which the concept has been integrated into English and HK law, the difficulties the English and HK Courts have encountered, the possibility of the concept being fully adopted as a free-standing ground of judicial review, and how its implementation has affected cases concerning socio-economic rights as enshrined in ICESCR.

Please click here ([Eng/Chi](#)) for a recap of the webinar.

Webinar Series on Asian Perspectives on Human Rights (III) Defining and Defending the Rule of Law

14 March 2022

Moderator: *Dr. Daniel PASCOE, Associate Professor, Core Member of CPLR, School of Law, CityU*

Panellists: *Prof. Jothie RAJAH, Research Professor, American Bar Foundation, Chicago*

Prof. GIAO Vu Cong, Associate Professor, Vietnam National University, Hanoi

Prof. Raphael PANGALANGAN, Assistant Professor & Associate Dean, Jindal Global Law School

Ms. Cristina BONOAN, Lawyer, Senior Lecturer, College of Law, University of the Philippines

Dr. Kristina SIMION, Research Fellow, Swedish Institute of International Affairs' Asia Programme

Dr. Benjamin LAWRENCE, Post-Doctoral Fellow, School of Law, National University of Singapore

The rule of law is a principle of governance, that at the very minimum, the government and its officials and agents as well as individuals and private entities should be subject to and comply with legal norms. 'Thicker' versions of the rule of law incorporate democratic governance and add the important element that the laws of a country must guarantee fundamental human rights. Some observe that the rule of law is under increasing threat in certain Asian jurisdictions, following a recent authoritarian turn. The webinar explored the definition and protection of the 'rule of law' in the Asian context, focusing specifically on the sub-regions of East and Southeast Asia. Speakers reflected on issues such as how the 'rule of law' is defined by lawyers, politicians and civil society in their countries of expertise, and whether this is different from its definitions popular within academic scholarship.



Please click here ([Eng/Chi](#)) for a recap of the webinar.

Public Seminar - Accommodating the Needs of Persons with Disabilities in Policies Concerning Public Health Emergencies: Law, Ethics and Practice

10 March 2022

Speakers: *Dr. CHOW Pok Yin Stephenson*, Assistant Professor, Core Member of CPLR, School of Law, CityU
Dr. LEUNG Po Yee Becky, Post-doctoral Fellow, School of Law, CityU

In public health emergencies, person with disabilities are often disproportionately affected. This project aims to develop an empirically informed and theoretically supported policy framework for the Hong Kong government to accommodate the needs of persons with disabilities in public health emergencies. To publicise study outcomes, the research team organised this public seminar in Cantonese with simultaneous sign language Interpretation. It attracted over 60 audience, including stakeholders with a specific interest in this topic. Another public seminar was organised in May in English to disseminate the findings to international audience. Dr. Chow and Dr. Leung were also invited to share the research outcome with students from the School of Transnational Law, Peking University.



Dr. Chow and Dr. Leung spoke on the challenges persons with disabilities faced and ethical issues that arose during the COVID-19 pandemic. Measures that other Asian countries have taken in public health emergencies and the obligations that governments must take up were also addressed.

Please click [here](#) to view the full report. The seminar recordings can be accessed here ([Eng/Chi with SI](#))

Business and Human Rights Standards: Relevance for Law Students

03 March 2022

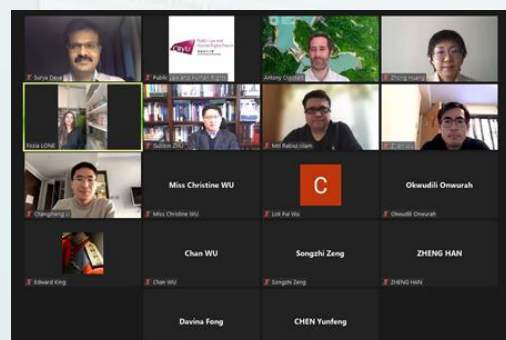
Moderator: *Dr. Fozia LONE*, Associate Director of CPLR, School of Law, CityU

Panellists: *Dr. Zhong HUANG*, Greater China Researcher and Representative, Business & Human Rights Resource Centre

Dr. Surya DEVA, Adjunct Professor, School of Law, CityU; Professor, Macquarie Law School
Member of UN Working Group on Business and Human Rights

Mr. Antony CROCKETT, Partner, Herbert Smith Freehills

The UN Guiding Principles on Business and Human Rights recognize the obligations of business enterprise to respect international human rights wherever they operate. In March, the CPLR invited three legal experts to discuss the impact of this principle on business enterprises and how it relates to the professional careers of law students. This webinar first explained how business development and human rights protections



correlate. It also discussed the roles that states and business enterprises should play in safeguarding human rights as main stakeholders. The three panellists were in the view that the main areas of practice for human rights will continue to grow. To provide comprehensive and high-quality legal advice to future clients, students will have to look beyond hard law.

Please click here ([Eng/Chi](#)) for a recap of the webinar.

Guangdong-Hong Kong-Macao Greater Bay Area Legal Forum - Conflict of Laws, Legal Cooperation, & Connection of Rules

21 January 2022

Moderator: *Prof. ZHU Guobin, Director of CPLR, School of Law, CityU*

Keynote Speaker: *Ms. Teresa CHENG, Secretary for Justice of the Department of Justice of HKSAR*

Guests of Honour: *Prof. Christian WAGNER, Provost of CityU*

Mr. LIU Chunhua, Director of Law Department, the Liaison Office of Central People's Government in the HKSAR

Mr. LIU Dexue, Director of Macao SAR Legal Affairs Bureau

Prof. HUANG Jin, Professor of China University of Political Science and Law

Dr. SI Xiao, Director, Tencent Research Institute, Tencent Holdings Limited

Prof. TAN Cheng Han, Dean of School of Law, CityU

Ms. Eunice YUNG, Barrister, Member of the Legislative Council of Hong Kong

Dr. Simon LEE, Member of the Legislative Council of Hong Kong

Panel Chairs: *Prof. WANG Jianguyu, Director, Centre for Chinese and Comparative Law, School of Law, CityU*

Prof. ZHAO Yun, Faculty of Law, HKU

Prof. DU Chengming, Vice President of Guangdong University of Technology

Dr. HUNG Witman, Deputy to the National People's Congress

The construction of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) is a major strategy in the country's development blueprint. It is of great significance to the country's implementation of innovation-driven development and its commitment to reform and opening up. To fully leverage the advantages and experiences of the three regions, how to establish an interoperability legal framework and connect legal rules and regulations across the area are questions that attracted national



attention. In January, the CPLR invited forty legal academics, practitioner and government officials from Hong Kong, Macao and Mainland China to join the conference and speak on this topic, including: **Prof. CAI**

Zhenshun from Guangdong Lingnan law firm; **Prof. DONG Hao** from Beijing Normal University; **Dr. ZHANG Qiang** from Guangzhou University; **Dr. QIU Fomei** from Shenzhen Reform and Opening Up Executive Leadership Academy; **Prof. ZOU Pingxue** and **Dr. FENG Zehua** from Shenzhen University; **Dr. FANG Zhou** from One Country Two Systems Research Institute; **Dr. Deng Kai** from Tencent Research Institute; **Dr. ZHAO Liang** from University of Southampton; **Ms. CHENG Ye** from Shenzhen Qianhai Hezuo District People's Court; **Prof. GUO Tianwu** from Sun Yat-sen University; **Dr. KE Jingjia** from Guangdong University of Finance & Economics; **Dr. LIN Yuhsin**, **Dr. Xiao Shanyun** and **Dr. HE Tianxiang** from CityU; **Prof. TANG Xi** from Guangzhou College of Commerce; **Mr. WU Yi** from Everwin Lawyer; **Ms. Daphne LO** from LI & Partners; **Mr. Anthony LAI** from M.C.A Lai Solicitors LLP; **Prof. DENG Shibao**, **Dr. YAO Xiaolin**, **Dr. LI Dan** and **Dr. DAI Jitao** from Guangdong University of Finance & Economics; **Mr. Ares LI** from China Legal Service (H.K.) Ltd.; **Dr. ZHAI Xiaobo** and **Mr. CHEN Xuhui** from University of Macao.

Please click here ([Eng/Chi](#)) for a recap of the symposium.

Publications (January – June 2022)

Prof. Guobin Zhu

- Guobin Zhu “Twenty-five Years of Hong Kong's New Constitutional Order: Retrospect and Prospect”, in *The Twenty-First Century (Ershiyi Shiji)*, May-June 2022 Issue.
- Guobin Zhu, “Paradigm Shift in Chinese Legal Studies”, in Zhu G., Qu J., Zhai H., in Hua Shiping. (eds.), *Paradigm Shifts in Chinese Studies*, (Palgrave Macmillan, Singapore, Jan 2022) pp. 123-148.

Dr. Mark Kielsgard

- Mark Kielsgard, “Models of Human Rights and Counter-Terrorism: Disabling the Terror Franchise in Southern Thailand” (2022) 17 (2) *University of Pennsylvania Asian Law Review*, pp. 243-282.

Dr. Massimo Lando

- Massimo Lando and Jessica Joly Hébert, “How to Complicate a Simple Case : The Judgment on the Merits in Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)” (2022) 37(2) *International Journal of Marine and Coastal Law*, pp.350-357.
- Massimo Lando, “Enhancing Conflict Resolution 'ASEAN Way': The Dispute Settlement System of the Regional Comprehensive Economic Partnership” (2022) 13(1) *Journal of International Dispute Settlement*, pp.98-120.
- Massimo Lando, “International Procedure between Past and Future - Procedural Developments in Law of the Sea Dispute Settlement in 2021” (2022) 21(1) *Law and Practice of International Courts and Tribunals*, pp.198-224.
- Massimo Lando, “Stability of maritime boundaries and the challenge of geographical change : A reply to Snjólaug Árnadóttir” (2022) 35(2) *Leiden Journal of International Law*, pp. 379-395.

Dr. Daniel Pascoe

- Daniel Pascoe with Andrew Novak, [‘Tonga: The Last Retentionist State in the Pacific’](#) (Death Penalty Research Unit Blog, University of Oxford, 21 June 2022) .
- Daniel Pascoe, “Hong Kong’s National Security Law: A Socialist Legal Transplant?” (2022) 10 (1) *The Chinese Journal of Comparative Law*, pp.28-55.

- Andrew Novak and Daniel Pascoe, “Executive Clemency During the Coronavirus Pandemic: A Global Analysis of Law and Practice?” (2022) 2 *International Criminology*, pp. 84-97.
- Daniel Pascoe and Sangmin Bae, “Co-sponsorship, note verbale, and association behaviour at the UNGA: an analysis of the death penalty moratorium resolutions” (2022) 26(1) *The International Journal of Human Rights*, pp.160-190.

Dr. Julia Tomassetti

- Julia Tomassetti, “The powerful role of unproven economic assumptions in work law” (2022) *Journal of Law and Political Economy*.
- Julia Tomassetti, “Managerial Prerogative, Property Rights, and Labor Control in Employment Status Disputes” (2022) *Theoretical Inquiries in Law*.

Grants (January – June 2022)

Dr. Pok Yin Stephenson Chow

- HK\$696,446 General Research Fund for project “An Anatomy of Public Sentiment and Perception towards the Legal System after Hong Kong’s Social Upheaval: A Digital Analysis”.

Dr. Massimo Lando

- HK\$392,012 from the Early Career Scheme for project “ Impact of Sea-level Rise on Baselines and Islands: Theoretical and Practical Concerns for the South China Sea Dispute and Disputes in the Asia-Pacific Region”.

Media Presence (January – June 2022)

Prof. Guobin Zhu

- “The Changing Constitutional Order in the SAR: Retrospect”, in *Ta Kung Pao* , 17 June 2022, A12.
- “Judicial cooperation in the Greater Bay Area”, in *Mingpao Daily*, 12 May 2022, Law and Politics Jottings.
- “Improve the Business Environment through Collaboration and Assure the Construction of the Bay Area Through the Rule of Law”, in Chinese, in *Ta Kung Pao*, 6 May 2022.
- “Those ‘Changes’ and ‘Unchanged’ in Fifty Years”, in *Mingpao Daily*, 31 March 2022, Law and Politics Jottings.
- “Legal Construction is the Top Priority for the Development of the Greater Bay Area”, in two parts, in Chinese, in *Ta Kung Pao*, 25 Feb 2022 & 26 Feb 2022.
- “ODR and Digital Justice”, in *Mingpao Daily*, 17 Feb 2022, Law and Politics Jottings.
- “AI and Lawyer”, in *Mingpao Daily*, 13 Jan 2022.
- “Continuing the Past and Forging Ahead, Looking Forward to a New Chapter in the SAR Governance”, in Chinese, in *Ta Kung Pao*, 7 Jan 2022.

Upcoming Events (July – December 2022)

Model UN Human Rights Council Universal Periodic Review (MUPR) Competition

8 August 2022

Coordinator: Dr. Pok Yin Stephenson Chow

International Conference - Retrospect and Prospect: The 25th Anniversary of Hong Kong Special Administrative Region

25-26 November 2022

Coordinator: Prof. Guobin Zhu

Webinar Series on Asian Perspectives on Human Rights (VI) "Human Rights in Eastern Civilizations"

November 2022 (Date TBC)

Coordinator: Dr. Daniel Pascoe

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