

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 latest CPLR E-Newsletter!

In the first half of 2023, CPLR hosted numerous high-quality academic events. Amidst easing Covid-related restrictions, we proudly organized on-site activities that facilitated discussions on contemporary topics, raising public awareness. Notable themes included legal collaboration in the Greater Bay Area, the German constitution's implications, Chinese political evolution, changing Sino-Indian relations, whole-process democracy, Hong Kong national security law's impact, personal data protection, and more. These events allowed global scholars, experts, practitioners, and officials to share insights.

We're pleased to update you on members' publications, media presence, and research grants. Enjoy our newsletter and stay connected!

Highlights of Events (January – June 2023)

Public Law and Human Rights Book Review Seminar Series (4) – Rethinking Chinese Politics (Cambridge University Press, 2021) Joseph Fewsmith

20 Jan 2023

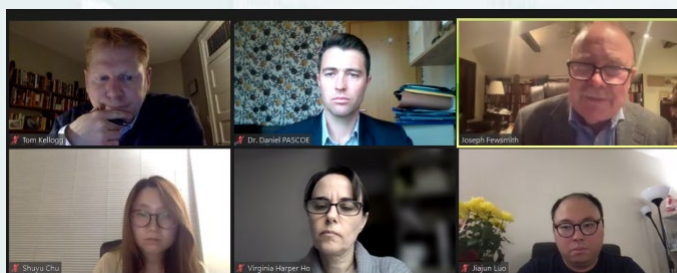
(in collaboration with the Asia Pacific Law Review (APLR), School of Law, CityU)

Moderator: *Prof. Daniel Pascoe, Associate Professor, Associate Director of CPLR, SLW, CityU*

Attending Author: *Prof. Joseph Fewsmith, Professor of International Relations and Political Science, Frederick S. Pardee School of Global Studies, Boston University.*

Reviewer: *Prof. Thomas Kellogg, Professor, Georgetown Law School, Georgetown University*

This was the fourth seminar of the “Public Law and Human Rights Book Review Series” co-organised by the CPLR and the APLR aiming at publicising new books in the fields of Public Law and Human Rights, facilitating the scholarly exchange ideas, and promoting the activities of CPLR and APLR to a broader audience. It attracted around 45 registered attendees from City University of Hong Kong, the Chinese University of Hong Kong and other universities in Mainland China. Four professors of law and political science took part in the seminar.



Prof. Joseph Fewsmith introduced his book by tracing four decades of Chinese elite politics from Deng to Xi, showing how each leader built and consolidated power. **Prof. Fewsmith** suggested that China's one-party political structure has led to internal power struggles, with the supposed institutionalisation of Party leadership succession norms being less fixed than some scholars have assumed. In the discussion session, **Prof. Kellogg** and **Prof. Fewsmith** discussed past and present Chinese leaders, the Chinese political system, China as an actor in international law and other geopolitical issues. **Prof. Fewsmith** then answered a few questions from the audience.

Public Law and Human Rights Forum PhD Seminar II – The Legal Basis of Data Sharing in Digital Government

9 Feb 2023

Moderator: *Prof. Mandy Meng Fang, Assistant Professor, SLW, CityU*

Speaker: *Mr. Zhang Zhixing, PhD candidate, Tsinghua University*

Discussants: *Prof. Huang Tao, Assistant Professor, SLW, CityU*

Dr. XIAO Shiling, Postdoc, SLW, CityU

This is the second **Public Law and Human Rights Forum PhD Seminar**, The seminar focused on the legal foundation of data sharing in digital government and featured insights from **Mr. Zheng Zhixing**, a Ph.D. candidate from Tsinghua University's Law School.

Mr. Zheng's presentation revolved around the historical development of digital government construction, delving into the tension between safeguarding personal information and government data utilization. He proposed various potential solutions, providing an in-depth analysis of the legal basis and challenges in this domain. The audience showed strong interest in Mr. Zheng's viewpoints, considering them to offer profound insights into the legal aspects of information sharing in the context of digital government construction.



Public Law and Human Rights Forum PhD Seminar III – The Consent of The Governed: Resistance as Constituent Power

23 Mar 2023



Moderator: *Prof. Mandy Meng Fang, Assistant Professor, SLW, City University*

Speaker: *MS. Leigha Crout, PhD candidate, King's College London*

Discussants: *Prof. Suya Deva Professor at the Macquarie Law School*

Prof. Peter Wang, Associate Professor, SLW, CityU

The third event of the "Public Law and Human Rights PhD Seminar" convened with 65 participants online. The seminar's focus was "Consent of the Governed: Resistance as a Constitutional Power." Speaker **Leigha Crout**, a PhD student from King's College London, explored the topic.

Leigha Crout offered insights rooted in her research, highlighting resistance's role in safeguarding liberties, prompting change, and advancing democracy. **Leigha Crout** shared her views and insights on this issue based on her research in political philosophy and law. She believed that resistance is an effective political means to safeguard citizens' freedom and rights while promoting social change and democratic development. **Prof. Chan** and **Prof. Wang** echoed the need to adapt resistance approaches to regional contexts, ensuring a balance between progress and stability.

Public Law and Human Rights Forum PhD Seminar IV – Feasibility study on the development of sentencing guidelines for custodial sentences for offences against national security in Hong Kong 13 Apr 2021

Moderator: *Prof. Huang Tao, Assistant Professor, SLW, CityU*
Speaker: *Ms. Celeste Lo, PhD Candidate, Tsinghua University*
Discussants: *Prof. ZHU Guobin, Professor, SLW, CityU*
Dr. P Y LO, Barrister of Hong Kong



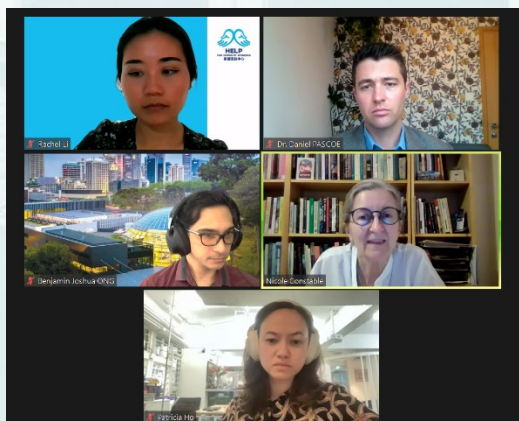
The fourth event of the Public Law and Human Rights PhD Seminar took place on April 13, 2023. Held both in-person and virtually, it brought together 15 scholars and students. The seminar focused on the feasibility of implementing sentencing guidelines within the Hong Kong National Security Law framework.

Moderated by **Dr. Xiao Shiling**, the event featured **Ms. Celeste Lo**, a Tsinghua University PhD candidate, as the keynote speaker. Lo's presentation delved into the intricacies of the National Security Law's sentencing guidelines, addressing legislative gaps and proposing recommendations. Insights from **Dr. P. Y. Lo**, a Hong Kong barrister, and **Professor Zhu Guobin**, CPLR Director, enriched the discussions. The seminar highlighted CPLR's commitment to fostering intellectual exchange among scholars.

CPLR Webinar Series on Asian Perspectives on Human Rights (IV) – Migrant Domestic Workers / Foreign Domestic Helpers and the Hong Kong Legal System

21 Apr 2021

Moderator: *Prof. Daniel Pascoe, Associate Professor, Associate Director of CPLR, SLW, CityU*
Speakers: *MS. Rachel Li, Head of Case Management and Research, HELP for Domestic Workers*
MS. Patricia Ho, Managing Partner, Patricia Ho & Associates
Prof. Benjamin Ong, Assistant Professor of Law, Singapore Management University
Special Guest: *Prof. Nicole Constable, Professor of Anthropology, University of Pittsburgh*



On April 21, 2023, the Public Law and Human Rights Forum at the School of Law, City University of Hong Kong hosted a webinar titled 'Migrant Domestic Workers / Foreign Domestic Helpers and the Hong Kong Legal System.'

The session, part of the ongoing Webinar Series on Asian Perspectives on Human Rights, was guided by **Prof. Daniel Pascoe**, Associate Professor. The panel included **MS. Patricia Ho**, **MR. Rachel Li**, and **Prof. Benjamin Ong**, and featured special guest **Prof. Nicole Constable**. The discourse centred on migrant domestic workers' legal issues in Hong Kong, drawing

global parallels. The panellists illuminated challenges like labour law breaches and trafficking, shaped by entitlement attitudes and power dynamics. **Prof. Ong** extended the conversation to Singaporean parallels. Despite improvements for some, smaller national communities continue to face difficulties. The pandemic's impact unveiled increased abuse during lockdowns and dismissals due to illness, coupled with opportunities for online organization. Border closures temporarily boosted wages, offering a silver lining. Strategies to heighten awareness within academic circles were discussed, including research, curriculum integration, and events. The session culminated with audience questions, paving the way for future enlightening discussions.

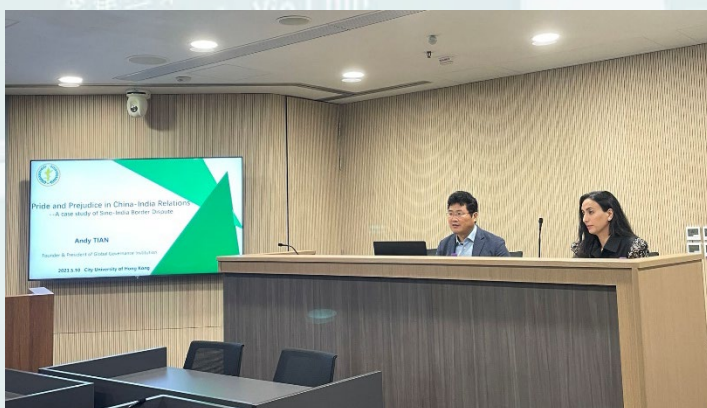
Pride and Prejudice in China-India Relations: A Case Study of Sino-India Border Dispute Procedural and Sentencing Implications

10 May 2023

Co-organised BY Centre for Chinese and Comparative Law (CCCL)

Moderator: *Prof. LONE, Fozia Nazir, Associate Director of CPLR, SLW, CityU*

Speaker: *Capt. (Retd) Andy (Shichen) TIAN, Founder and President of Global Governance Institution (GGI), Director of Centre for International Law of Military*



This was the third event centred on Sino-Indian Relations, co-hosted by CPLR in conjunction with CCCL. Held on May 10, 2023, the seminar sought to provide a comprehensive understanding of the prevailing circumstances.

Mr. Andy Shichen Tian's presentation navigated the historical journey of the Sino-Indian border dispute, unravelling the complex tapestry of historical, cultural, and political factors that have culminated in the contemporary landscape.

Beyond mere geographical concerns, Mr. Tian emphasized how the dispute's fabric is interwoven with issues of identity, pride, and preconceptions. He underscored the pivotal role of mutual respect and shared understanding, particularly in light of civilizations coexisting. Mr. Tian's pragmatic roadmap for resolving the dispute encompassed diplomacy, political commitment, and peaceful negotiations, while highlighting facets such as open dialogue, trust-building, and shared interests.

70 Years' Development of Fundamental Rights at the German Federal Constitutional Court

19 May 2023

Co-organised BY Konrad Adenauer Stiftung (KAS)

It is a significant conference marked the 70th anniversary of the German Constitution Court, unveiling a new book and fostering insightful discussions on constitutional jurisprudence. **Prof. Lin Feng**, Acting Dean of the School of Law, initiated the event, followed by welcomes from **Mr. Stefan SaMse**, Director of Konrad Adenauer, and **Mrs. Stefanie Seedig**, Consul General of the German Consulate General Hong Kong.



The conference featured an expert panel moderated by **Prof. Zhu Guobin**. **Mr. Clauspeter Hill**, Chief Editor of the 60 Years German Basic Law book, discussed the book's creation, while **Prof. Jurgen Brohmer** introduced the English edition and **Prof. Zhang Qianfan** discussed the Chinese edition. Later, **Prof. Rudolf Mellinghoff**, Former Justice of the Federal Constitutional Court of Germany, delivered a keynote speech on the German Constitutional Court's development and Fundamental Rights theory.



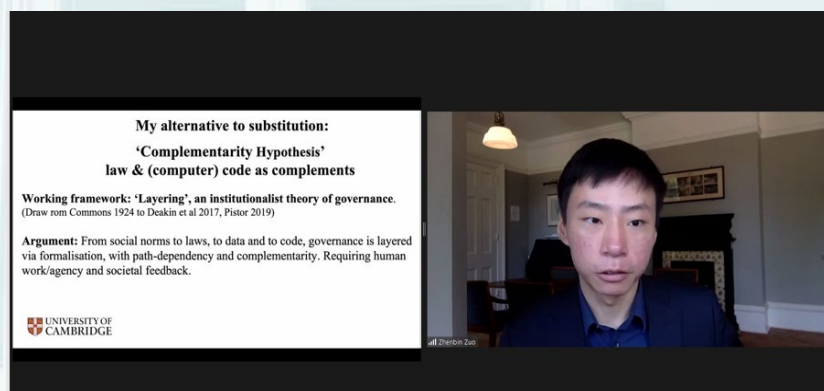
A roundtable discussion followed with prominent scholars delving into pertinent topics. **Prof. Mou Xiaobo**, **Prof. Cheng Mai**, **Prof. Chen Zhen**, **Prof. Peter Wang**, **Prof. Huang Tao**, and **Dr. Xiao Shiling** engaged in discussions. The event concluded with closing remarks from **Mr. Stefan Samse** and **Prof. Zhu Guobin**, underscoring the conference's significance in celebrating the German Constitution Court's legacy and promoting academic exchange.

Public Law and Human Rights Forum PhD Seminar V – Automated law enforcement: An Assessment of China's Social Credit Systems (SCS): Using Interview Evidence from Shanghai

Moderator: *Prof. Huang Tao, Assistant Professor, SLW, CityU*

Speaker: *Mr. ZUO Zhenbin, PhD candidate, Cambridge University*

Discussants: *Prof. CAI Peiru Junior Associate Professor, Fudan University Law School*



The fifth installation of the Public Law and Human Rights Forum's PhD Seminar series unfolded on May 24, 2023. The event provided a collaborative space for 15 scholars and students to engage. The seminar's core spotlight was on the intricate realm of automated law enforcement, specifically an appraisal of China's Social Credit Systems (SCS), bolstered by interview evidence drawn from Shanghai.

The seminar moderated by **Prof. Huang Tao**, Assistant Professor at City University of Hong Kong's School of Law, the session aimed to dissect the complexities of China's SCS. **Mr. Zuo Zhenbin**, a PhD candidate from the University of Cambridge, took the stage as the speaker. The discussion was enriched by the insights of **Prof. Cai Peiru**, Junior Associate Professor at Fudan University Law School, who contributed as a discussant.

The seminar scrutinized the multifaceted landscape of China's SCS, delving into its automated law enforcement mechanisms. Mr. Zuo Zhenbin's interview-based evidence from Shanghai provided valuable real-world perspectives. The session served as a platform for in-depth exploration and critical analysis, fostering a deeper understanding of this evolving legal domain.

"Whole Process People's Democracy": As Applied Constitutionalism

Moderator: *Prof. Huang Tao, Assistant Professor, SLW, CityU*

Speaker: *Prof. Larry Catá Backer, Professor of Law and International Affairs Pennsylvania State University*

Discussants: *Prof. Dr. Björn Ahl Professor and Chair of Chinese Legal Culture University of Cologne*
Prof. ZHU Guobin, Professor, SLW, CityU



The City University of Hong Kong's School of Law is set to host a thought-provoking seminar on Chinese Socialist democracy on June 7th, from 18:00 to 19:00 HKT.

Distinguished speakers for the event include **Prof. Larry Catá Backer** from Pennsylvania State University. Engaging discussions will be further enriched by the participation of discussants **Prof. Dr. Björn Ahl** from the University of Cologne and **Prof. Zhu Guobin** from City University of Hong Kong. The seminar will be skillfully moderated by **Prof. Huang Tao**.

The seminar's focus is on the burgeoning concept of "whole process people's democratic democracy," examined within the framework of Chinese constitutionalism and comparative analyses. This exploration will delve into the intricate dynamics among individuals, political structures, and administrative frameworks, providing valuable insights into the unique nuances of Chinese Socialist democracy.

Esteemed attendees such as **Prof. Wang Jiangyu**, **Prof. Virginia Harper Ho**, **Prof. Daniel Pascoe**, and **Dr. Xiao Shiling** will contribute to the vibrant exchange of ideas, making this seminar an enriching intellectual endeavor.

Publications (January – June 2023)

Prof. Guobin Zhu

- Zhu, Guobin, "The National Security Law in Court", 30 Jun 2023. 50 p.
- Zhu, Guobin & Xiao Shiling, "The Dual 'Personality' of Hong Kong's National Security Law and Methods of Judicial Interpretation", 6 May 2023. 19 p.

- Zhu, Guobin, "The Practice and Challenges of the Legislative Record Review in the Hong Kong SAR", 25 Mar 2023. 15 p.
- Zhu, Guobin, "A Hundred Schools of Thought Contending on Constitutionalism: The Short Life of the Great Debate of Constitutionalism Remembered", 2023, In: Hua, S. (ed.), "Chinese Legality: Ideology, Law, and Institutions". London: Routledge, p. 26-51. (Routledge Studies on Comparative Asian Politics).
- Zhu, Guobin, "Constitutional Review 'with Chinese Characteristics': Law, Institutions and Recent Developments", 2023, In: Bui, N. S., Hargreaves, S. & Mitchell, R. (eds.), "Routledge Handbook of Constitutional Law in Greater China". London: Routledge, p. 113-134. 22 p.

Prof. Fozia Nazir Lone

- Fozia Nazir Lone, 'Revisiting the New Haven Methodology from an International Law and Policy Perspective' in Nicholas Tsagourias (eds) *Handbook on the Methodologies of International Law* (Elgar, 2021 forthcoming). Lone, F.N. (2023). International Law and the Kashmir Dispute: A Critical Reflection. In: Duschinski, H., Bhan, M., Robinson, C.d. (eds) *The Palgrave Handbook of New Directions in Kashmir Studies* (153-172) (Chapter 12) (2 June 2023) Palgrave Macmillan, Cham.
- F. N. Lone, "Report on Sino-Indian Border Disputes: International Law and International Relations Perspectives". *The Chinese Journal of Comparative Law* (2023) 1-39 (Published 19 June 2023) (Report)

Prof. Daniel Pascoe

- Pascoe, Daniel. / Crime and Punishment in Indonesia. In: *Singapore Journal of Legal Studies*. 2023 ; Vol. March 2023. pp. 211-215.

Prof. Massimo Lando

- Lando, Massimo. / Advisory Opinions of the International Court of Justice in respect of Disputes. In: *Columbia Journal of Transnational Law*. 2023 ; Vol. 61, No. 1. pp. 67-132.
- Lando, Massimo. / Jurisdiction *ratione materiae* of the International Court of Justice in Compromissory Clause Cases. In: *Law Quarterly Review*. 2023 ; Vol. 139. pp. 52-78.
- Lando, Massimo. "An Exploratory Empirical Outlook on the Authority of Annex VII Arbitral Tribunals." *The international journal of marine and coastal law*. 38.2 (2023): 302–325. Web.

Prof. Mandy Meng Fang

- 'When Decarbonization Meets Industrialization: The First WTO Dispute Between the EU and U.K.' (2023) 63(2) *Virginia Journal of International Law* 165-208
- "'Unforeseen Developments" Before and After US – Safeguard Measure on PV Products: High Standard or New Standard?' (2023) *World Trade Review* (forthcoming, with Weihuan Zhou)
- 'Regulating EV Batteries Carbon Footprint: EU's Climate Ambition or Green Protectionism?' (2023) 53(7) *Environmental Law Reporter* 10590-10604
- 'China's Battle Against Marine Plastic Pollution at the Local Level: A Case Study of Sanya City, Hainan Province' (2023) 37 *Ocean Yearbook* 249-275
- 'Advancing 'Net Zero Competition' in Asia-Pacific Under a Dynamic Era: A Comparative Study on the Carbon Neutrality Policy Toolkit in Japan, Singapore and Hong Kong' (2023) *Global Public Policy and Governance* 12-40 (with Yunhong Liu and Liang Dong)

Media Presence (January – June 2023)

Prof. Guobin Zhu

- Delivered speech at The Hong Kong University of Science and Technology titled “The Implementation of the HKSAR Basic Law and National Security Law under the Principle of ‘One Country, Two Systems’” at February 23, 2023

Prof. Fozia Nazir Lone

- Delivered Opening Speech in Conference 70 Years of the German Constitution Court and New Book Launch, Joint CPLR-Konrad Adenauer Stiftung Event, 19 May 2023.
- Lecture – ‘Humanistic Approaches to Pandemic Management’, THEMIS Seminar, Law Department, Freie Universität Berlin, Lecture Hall II (Online) 16 March 2023 (in THEMIS Seminar titled “Pandemics – Challenges for the Law”, Department, Freie Universität Berlin, 15-17 March 2023).

Upcoming Events (July – December 2023)

Guangdong-Hong Kong-Macao Greater Bay Area Legal Forum 2023: Building a Rule of Law-based Bay Area and Creating New Prospects for Development

28 July 2023

Coordinator: Prof. ZHU Guobin

Public Law and Human Rights Book Review Seminar Series

Date TBC (on a quarterly basis)

Coordinator: Prof. Daniel Pascoe

Symposium Series on Human Rights in Asia

Date TBC

Coordinators: Prof. Guobin Zhu and Prof. Fozia Nazir Lone

Public Law and Human Rights PhD Seminar Series

Date TBC

Coordinators: Prof. Guobin Zhu

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