

## Research Assessment Exercise 2020

### Impact Overview Statement

**University: City University of Hong Kong**

**Unit of Assessment (UoA): 19 – Law**

**Total number of eligible staff of the university in the UoA: 23**

#### **(1) Context**

City University School of Law makes the most of Hong Kong's position as an international hub to deliver impact both on political and economic issues facing its immediate region, and on international human rights law (with a particular focus on the South Asian context). Strategic recruitment within the RAE period has expanded the UoA's international connections and thus the reach of its impact.

Centre for Chinese and Comparative Law (RCCL) has strong links to courts, policy makers and the business community in Hong Kong, Mainland China, Macao, Taiwan, Singapore and other near neighbours. Through them it shares insights from research into Hong Kong basic law, comparative law and specific current issues like universal suffrage in the Hong Kong chief executive elections, the "one country, two systems" judicial approach, and legal aspects of initiatives like the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Greater Bay Area Development.

Centre for Judicial Education and Research (CJER) was established at the beginning of this RAE period to link the UoA's research on comparative law, dispute resolution and judicial reform more closely to the teaching of trainee and practising judges. The Centre has built on its collaboration with the Supreme People's Court and its National Judges College to admit Chinese judges to its Masters programme and offer a tailor-made Doctoral programme and short-term and highly specialized programme for senior Chinese judges. Participants receive lectures on the latest research.

Human Rights Law and Policy Forum (HRLF) works with policymakers, think tanks, advocacy groups and civil society organizations to apply research in international arbitration, application of the death penalty and corporate human rights abuses. Staff members provide research-based advice to national governments and international legislative bodies such as the UN and the EU.

Hong Kong Commercial and Maritime Law Centre (HKCML) focuses on current issues confronting businesses seeking to function in a globalized economy where laws and regulatory ecosystems are in flux. This makes their findings of particular interest to lawyers and business professionals. Research is often collaborative with stakeholders. Outputs inform case law and international legal frameworks.

#### **(2) Approach to impact**

Consultancy and positions in external organisations. Staff are encouraged through the provision of special leave, sabbaticals and travel bursaries to contribute their knowledge and expertise to stakeholders through one-off advice or ongoing membership of boards and committees.

During the current RAE period this has included a comparative study of electoral systems of different countries for Hong Kong's Central Policy Unit; a project with Microsoft which coordinated leading experts in the fields of data privacy and cybersecurity on the cross-boundary flow of data in the Great Bay area; advising the Chinese Civil Law Society on the reform and redrafting of the Chinese Civil Code and on the establishment of an International Court in China; advising BEUC (European Consumer Group) on the enforcement of consumer rights; annual consultations on arbitration with the Israeli Deputy Attorney General for international law, influential arbitrators and senior lawyers; and consultancy on international crimes to NGOs in Hong Kong and Cambodia. Staff have submitted evidence to the United Nations, the Australian Government, Amnesty International, Raoul Wallenberg Institute and Reprieve UK. They hold official positions at the UN, on appeals boards and advisory panels of legal authorities dealing with arbitration, appeals and quality assurance in Singapore, Malaysia, Shanghai, China, Hong Kong and Greece and provide advice to courts in China and Singapore. They are active on the councils of Law Societies in China and Hong Kong.

Networks and stakeholder forums. During the RAE period, the four research centres have organised a number of influential events aimed at senior policy makers and influential legal practitioners. RCCL co-hosted events on the legal implications of the One Belt One Road and Greater Bay Area Development initiatives and the introduction of universal suffrage in the Hong Kong Chief Executive

elections. CJER have capitalised on their strong links with senior Chinese judiciary to hold stakeholder discussions around judicial reform in China. HRLF facilitated the creation of a Business and Human Rights Network Hong Kong in 2019 to push for the implementation of the UN Guiding Principles on Business and Human Rights in Hong Kong and mainland China. HKCML have hosted a series of public lectures and seminars on themes of international trade and commerce.

Practitioner training and stakeholder visits. Staff provide training and advice to professionals and are particularly sought after by fact finding delegations from the mainland. In this RAE period they have shared their expertise with visiting groups from courts in Guangzhou and Guangdong, China's International Economic and Trade Arbitration Commission, and Provincial Governments in Qinghai, Guizhou and Fujian. HRLF has delivered a lecture series about the crime of genocide and other international crimes to court personnel (including judges, defence attorneys and prosecutors) at the international criminal tribunal for Cambodia; addressed legal and custodial practitioners, UN officials and civil servants in Thailand and Vietnam on the use of the death penalty; and advised governments and NGOs across South Asia on incorporating guidelines on corporate human rights abuses into their national legislation.

High quality outputs. The UoA's research directly influences legal and legislative practice. Outputs have been cited in the Singapore High Court and Court of Appeal (52 citations) as well as courts in Australia, Hong Kong, the US, Scotland and England. Law Commission/Committee reports in Singapore, Scotland, New Zealand and Australia reference their work, and it has been cited in discussions on company law reform in Taiwan, and at the UK Equality and Human Rights Commission, European Parliament and European Commission.

### **(3) Strategy and plans**

During the RAE period, CityU Law restructured its research activities into four centres to enable the creation of stronger non-academic networks and the organisation of more focussed and impactful stakeholder events and forums, with all four centres acting as a hub to bring together a broad range of high-level professionals around issues of common concern. The next RAE period will see the consolidation and strengthening of these networks and an increase in CityU's influence on local initiatives and international human rights policy. The UoA is seeking support on an investment of HKD50m by City University in a new interdisciplinary Centre for Diversity, Law and Public Policy hosted by the Law School and the Department of Public Policy.

The UoA will draft five country specific white papers on counter-terrorism, as well as a Hong Kong counter-terrorism declaration of principles. We are seeking to expand our collaboration with the National Judges College to include academic research. Suggested focuses for coproduction are judicial reform in the Mainland, jurisdiction and dispute resolution in the "One Belt and One Road" Initiative and comparative research on case law. All four centres have plans for stakeholder events on topics ranging from Intellectual Property to disability law, disruptive technology and maritime law to the Chinese case tracking system to disputes in Kashmir to the One Belt One Road. The School will continue and expand its big data collaboration with Microsoft and seek out new collaborations. We will continue to recruit staff with strong international connections outside of academia; support them in knowledge exchange activities through the provision of travel funding, hosted conferences and leave; and reward such activities in the annual performance review. The School has nearly HKD7.5m over the next RAE period available as matching funding to researchers to support knowledge exchange activities.

### **(4) Relationship to case studies**

Both case studies demonstrate key aspects of the UoA's approach to impact, in particular staff providing advice and consultancy based on their research expertise to national and international bodies (Deva to the UN and national governments, Pascoe to the Australian Government and human rights charities). The UoA has supported Deva's membership of the UN Working Group on Business and Human Rights for the last 4 years. Pascoe has shared his expertise with practitioners and stakeholders at multiple events and through reports and specific advice.