

Research Assessment Exercise 2020

Impact Overview Statement

University: The University of Hong Kong (HKU)

Unit of Assessment (UoA): 19 Law

Total number of eligible staff of the university in the UoA: 48

(1) Context

HKU's Faculty of Law has a long history of contributing to law and policymaking in Hong Kong and providing critical commentary on current debates. For 50 years, the Faculty's research has consistently been used to address legal problems in Hong Kong especially after the 1997 transition to a Chinese special administrative region. Increasingly the Faculty has turned its attention to societal issues in China, Asia and beyond. Realising impact from research is central to the Faculty's ethos and mission. The Faculty has deep connections with legal professionals, the judiciary, the government, civil society groups, professional associations, teachers and many non-government organisations (NGOs) in Hong Kong, China and internationally. Its two departments, five research centres and Knowledge Exchange (KE) unit have been launch pads for this engagement, leading to significant impacts on legislation and policymaking and reaching large numbers of people through training and awareness-raising programmes. The Faculty and University each offer resources, practical support, encouragement and multiple pathways for developing academic research into impact. In this facilitative environment, the four case studies on special needs trust, animal welfare, personal injury compensation, and financial inclusion were conceived, nurtured and developed, and continue to expand in its reach and significance.

(2) Approach to impact

Infrastructure: Capacity-building, funding and recognition

The University and Faculty provide infrastructure for scholars to translate their research into impact beyond academia, develop external partnerships, and contribute to the capacity of legal professionals and community groups. An annual KE Capacity Building Fund is given to faculties to develop and maintain KE units. In the assessment period, a total funding of \$1.98 million was awarded. Funding enabled the appointment of a KE manager in 2015 to assist with organising impact workshops with visiting scholars (e.g. J Hendry, L Farmer, P Roberts), disseminating research on the HKU Legal Scholarship Blog, and preparing the KE Impact Opportunities Bulletin, which is published twice a year to alert colleagues of upcoming court cases in common law jurisdictions where their research could have bearing, as well as public consultations and areas on which government and law reform agencies seek advice. Colleagues report if they have taken up any of these opportunities.

The University's KE Funding Scheme for Impact Projects provides scholars with up to \$100,000 per project to promote impact and gather evidence of impact. Faculty academics have made good use of this support, such as **Tai** who in 2016 used the funding for his Rule of Law Education Project for secondary school students, Dora Chan who developed an e-package of DIY residential tenancy agreements, and Lindsay Ernst who established an education platform for migrant workers. In the period, 12 projects were funded with a total budget of \$1.06 million. Two projects recently obtained funding in a new scheme to promote interdisciplinary KE (**A Cheung** on artificial intelligence for legal services, \$175,000; **Young** on rule of law education in primary and secondary schools, \$100,000).

Since 2016, there has also been a Faculty-level KE Engagement Fund which has been used to help colleagues (especially those on teaching track) promote their KE work and defray costs such as transport and room bookings. In preparation for RAE 2020 and on the advice of an expert panel, incentive funding was provided to colleagues with promising case studies to enable them to promote wider engagement and gather further evidence of impact.

The Faculty's staff performance review process was revised in 2016-17 to include incentives and recognition for impact and KE activities. Departmental policies on outside practice and leave are responsive to worthy initiatives likely to lead to important research impact. Annual Faculty KE awards recognise research impact achievements; in the period, **A Cheung, F Chan, K Pun, E Cheung, E Chan, E Lam, Tai, J Chan, K Kong, Kapai, R Lee, Ho, and Ali** received such awards. Since 2015, the University KE Excellence Award has honoured one outstanding project each year from across HKU; with support of the KE unit, the Faculty has twice been the recipient (in 2016 for **Whitfort's** animal welfare work and in 2018 for **Ho and R Lee's** work on the special needs trust).

Dissemination and engagement

The Faculty's research centres and programmes play a key role in engaging with the community to disseminate research and expertise. In the period, they organised 136 public events, each attracting more than 100 participants, the majority from outside academia. Colleagues are encouraged to publish policy proposals, contribute to publications for legal professionals, and explore other forms of engagement. Since the 1970s, the Faculty's annual Law Lectures for Practitioners has been promoting engagement between academics and professionals.

In the courts, publications by Faculty scholars inform the development and application of law. For example, **A Lee and Goo's** publications on land law were cited by both counsel and the court several times during the period in cases involving land and tenancy disputes, while **F Chan's** personal compensation tables have been relied on to litigate damages. Faculty members also provide expert evidence in such areas as Chinese law; for example, **Fu and X Zhang** separately provided evidence on the method of identity confirmation in Mainland China, state secrets, criminal procedure and incorporation law. Colleagues also write for the profession, e.g. in *Halsbury's Laws of Hong Kong*, a reference source often used by the courts and practitioners, more than 40% (36) of its 88 topics have been addressed by HKU contributors.

Faculty research also contributes to legal and policy development by local and international public bodies. In Hong Kong's Legislative Council (LegCo), colleagues' research was referred to 21 times during the period on such topics as FinTech, political reform, intellectual property, domestic violence and endangered species. Research centres have produced policy submissions, such as the Centre for Comparative and Public Law (CCPL) whose members made 14 submissions to such organisations as LegCo, the United Nations, Equal Opportunities Commission and government bodies on such topics as racial discrimination, constitutional affairs, same-sex couples' rights and children's rights. These submissions can influence policymaking, such as the Special Needs Trust proposed by **Ho and R Lee, Whitfort's** representations to LegCo on animal welfare, and **Chen's** legal analysis, which was cited by the government in support of the co-location of customs and immigration at the West Kowloon Station. Faculty writings have also enriched public debate, such as the input of **J Chan, Chen, E Cheung, Tai, C Chan, Yap and Young** to Hong Kong's political reform debate in 2014 and the 2019 anti-extradition bill controversy.

Policy proposals have arisen from partnerships developed through engagement activities, e.g. **Kapai's** partnership with The Zubin Foundation resulted in the publication of the first report on the status of ethnic minorities in Hong Kong, which was submitted to the government in 2015. **Kapai** also organised the Domestic Workers' Roundtable that year bringing together, for the first time, government officials, employers and workers' right groups to consider how to enhance the rights and experiences of domestic workers in Hong Kong. Another example is the 2015 Children's Issues Forum organised by **Lynch** with the Chinese University of Hong Kong, Hong Kong Family Law Association and Law Society of Hong Kong, which led to various government submissions.

The Faculty also engages with non-legal and non-academic audiences through publications, websites and media commentary. For instance, **Ng** published a children's book called "Kids Also Know the Law" (細路都識法) in October 2017. Approximately 1,500 copies were sold and the book had a second print run. After its publication, **Ng** was invited to give talks on everyday law at primary schools, attended by more than 1,000 students. **J Chan's** *Paths of Justice*, published in 2018, was one of the best sellers of HKU Press in the Hong Kong Book Fair 2019. Faculty websites also encourage

public engagement, e.g. Design Democracy (to promote a bottom-up approach to constitutional and political reform) and the Disability Rights Resource Network. The Hong Kong Legal Information Institute (HKLI) and Community Legal Information Centre (CLIC) are accessed by thousands of users each day. Faculty members are widely sought for commentary, e.g. in the period, **Chen** appeared or was quoted in the news media more than 2,820 times.

Community service and building capacity

Faculty academics are members of external bodies, such as sub-committees of the Law Reform Commission and government advisory bodies, which the Faculty recognises and encourages through its performance review process. For example, **Cheng** was appointed to the commission that developed Hong Kong's Competition Ordinance, which came into effect in December 2015. He offered extensive support to the government during the drafting process, from providing technical advice on how the law should be drafted to answering questions from LegCo members and attending seminars to promote the bill. The Faculty also provides training programmes for legal professionals, opportunities for both KE and networking. For example, **Young** conducted monthly training sessions for Hong Kong prosecutors for much of the 2013-17 period. **Fu** has trained hundreds of lawyers and NGO leaders from Mainland China on issues related to gender equality. CCPL's Judicial Studies Programme, launched in 2015, provides workshops, seminars and other forums for judges, lawyers and academics regionally to discuss contemporary issues.

(3) Strategy and plans

From 2016-19, the Faculty implemented a five-pronged strategy for KE built upon and extending the existing infrastructure to promote partnership development, institutionalise KE and impact into the Faculty's academic portfolio. This strategy includes: 1. focusing on legislative, legal and policy changes; 2. encouraging scholars to look at impact beyond Hong Kong; 3. adopting a proactive approach by helping staff to develop impact cases (for instance, through allocation of funding); 4. maintaining a full-time KE manager; and 5. identifying potential RAE impact studies at an early stage for enhanced development. Colleagues now identify pathways to impact when planning research, especially for external funding. To further enhance these activities, the Faculty plans to appoint an impact manager (in addition to the KE manager) to help staff understand the audience for their research and assist in identifying, researching and writing impact case studies. It will also earmark more money for the KE Engagement Fund. Several cases in the pipeline show promise of deeper impact in future, such as **Kapai's** work on anti-discrimination policies for ethnic minorities and **G Castellano's** work on international trade law. The Faculty will also explore the use of new technology for disseminating impact, such as apps and podcasts, and the possibility of developing research around its legal clinics (general, human rights, and entrepreneurship), which provide an important service to the community.

(4) Relationship to case studies

The four case studies illustrate research-based concrete benefits to people and animals in Hong Kong and beyond. Each case adopted one or more of the pathways described above, validating the Faculty's efforts to provide a wide range of support, engagement and encouragement for activities with impact potential. **Whitfort's** animal welfare reforms and **Ho and R Lee's** Special Needs Trust demonstrate how opportunities to engage with NGOs and government can expedite progress and gain access to new networks of influence. **Ho and R Lee** benefited from time off from teaching duties to focus on research and KE engagement. The success and widespread adoption of the **Chan** Tables highlights how the Faculty's deep engagement with Hong Kong's legal community and judiciary enables scholars to contribute to policy change, in this case to benefit victims in personal injury cases. **Arner's** FinTech projects received substantial administrative support from the Faculty's Asian Institute of International Financial Law which co-ordinated global partners and assisted in fundraising and organising and publicising events. The Faculty's research environment provides the stimulation, encouragement and support for both excellent and impactful research.