

## Roundtable Discussion Forum on National Security Law

<b>Date</b>	: Wednesday, 15 July 2020	<b>Language</b>	: Bilingual (English and Cantonese)
<b>Time</b>	: 9:30 a.m. – 12:30 p.m.		Simultaneous Interpretation will be provided
<b>Points</b>	: 3 CPD points	<b>Mode of Delivery</b>	: Webinar via Zoom
<b>Fee</b>	: This course is offered free of charge to solicitors and trainee solicitors	<b>Level</b>	: Elementary level, for delegates who do not have prior knowledge of the subject area

### About the Course:

The Roundtable Discussion Forum ("Forum") will discuss the recently enacted "The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" ("Law"). Guest speakers will be invited to share their views on the Law, including the concepts of national security, the various offences included, law enforcement issues, and the impact on Hong Kong's judicial independence and the rule of law.

This Forum is for practitioners to discuss the Law with the panel of speakers. The Forum does not aim to canvass views of the Law Society on the subject matter.

### About the Speakers and Moderators:

#### Speakers:

**The Honourable Ms. Elsie Leung Oi-sie, GBM, JP, Former Deputy Director of the Hong Kong Basic Law Committee of the Standing Committee of the National People's Congress ("NPCSC") of the People's Republic of China ("PRC") and Former Secretary for Justice of the HKSAR Government**

**The Honourable Ms. Maria Tam Wai Chu, GBM, GBS, JP, Deputy Director of the Hong Kong Basic Law Committee of NPCSC of PRC**

Ms. Tam was educated at London University. She qualified as a barrister-at-law at Gray's Inn, London and practised in Hong Kong.

She was the Councillor of the Executive Council, The Legislative Council, the Urban Council as well as the District Board. She was a member of the Preparatory Committee for the HKSAR (PRC), Hong Kong Affairs Advisor (PRC) and the Basic Law Drafting Committee. She was a deputy to the National People's Congress of PRC and a member of the Hong Kong Basic Law Committee.

She is the Deputy Director of the Hong Kong Basic Law Committee. She is also a member of various community services organisations.

**Mr. Ronny K.W. Tong, QC, SC, JP, Non-Official Member of The Executive Council and Convener of Path of Democracy**

Mr. Ronny Tong was born in Hong Kong and has received his education in both Hong Kong and England. He holds an LL.B. with first class honours from the University of Hong Kong and a B.C.L. with honours from the Oxford University.

He came first and was awarded first class honours in England's Bar Examination and was called to the English Bar and the Hong Kong Bar in 1974 and 1975 respectively. Since then, he has been in active practice as a barrister in Hong Kong specializing in commercial, shipping, company and other Chancery matters. He was appointed as a Queen's Counsel in 1990 (now Senior Counsel).

Mr. Tong served as the Chairman of the Hong Kong Bar Association from 1999 to 2001 and was elected as a member of the Legislative Council in 2004 from the New Territories East Constituency. His three major areas of concern are Constitutional Development, Fair Competition and the Alleviation of Poverty. He was re-elected to serve a third term in 2012 from the same constituency and was an active member of the Legislative Council. His term as a legislator ended on 30th September, 2015, but he will continue to serve Hong Kong as Convener of his think tank, Path of Democracy, which was set up since June 2015.

Mr. Tong has been appointed as a Non-Official member of ExCo since July 2017. He wishes to contribute in relaunching of political reform in Hong Kong, also to improve the relationship between the government and the democrats. Mr. Tong has also been appointed to be Justices of the Peace in July 2018.

#### **Mr. Grenville Cross, SBS, SC, Vice Chairman (Senate) of the International Association of Prosecutors and Former Director of Public Prosecutions of the HKSAR Government**

Mr. Grenville Cross SBS, SC is the Vice Chairman (Senate) of the International Association of Prosecutors. He served as the Director of Public Prosecutions of the HKSAR from 1997 to 2009. He was appointed Queen's Counsel in 1990, becoming Senior Counsel in 1997. He is Honorary Professor of Law, the University of Hong Kong ("HKU"), and Adjunct Professor of Law, the Chinese University of Hong Kong ("CUHK"). He is the Sentencing Editor of Hong Kong Cases and "*Archbold Hong Kong*", and Co-author of "*Sentencing in Hong Kong*".

#### **Professor Hualing Fu, Dean of the Faculty of Law of HKU**

Professor Hualing Fu is the interim Dean and the Warren Chan Professor in Human Rights and Responsibilities at the Faculty of Law of HKU. He specializes in public law and criminal law with a focus on China, and cross-border legal relations in the Greater China Region. His current research focuses on the politics of anti-corruption enforcement, popular justice, and a critical re-assessment of rule of law reform in China in the past four decades. His other research areas include the constitutional status of Hong Kong, in particular central-local relationships in the Hong Kong context and national security legislation.

#### **Professor Michael C. Davis, Senior Research Scholar at the Weatherhead East Asia Institute at Columbia University and a Global Fellow at the Woodrow Wilson International Center in Washington DC, U.S.A.**

Professor Michael C. Davis is a Senior Research Scholar at the Weatherhead East Asia Institute at Columbia University and a Global Fellow at the Woodrow Wilson International Center in Washington DC. A professor in the Law Faculty at HKU until late 2016, he has also held distinguished visiting professorships at Northwestern University (2005-6), the University of Notre Dame (2004-5) and Case Western Reserve University (2000), as well as Jindal Global University in India. A widely sought-after scholar on human rights and democracy in Asia, he was previously the Reagan-Fascell Democracy Fellow at the National Endowment for Democracy (2016-2017), and the Schell Senior Human Rights Fellow at Yale Law School (1994-5). His books include *Constitutional Confrontation in Hong Kong* (1990), *Human Rights and Chinese Values* (1995), and *International Intervention in the Post-Cold War World* (2004). He has contributed commentary and analysis to such media as *Foreign Affairs*, the *Washington Post*, the *New York Times* and the *South China Morning Post*, the latter for which Amnesty International and the Hong Kong FCC awarded him a 2014 *Human Rights Press Award* for commentary.

#### **Mr. Thomas So, Past President and Member of the Constitutional Affairs and Human Rights Committee ("CAHRC"), The Law Society of Hong Kong ("Society")**

Mr. Thomas So is a partner of Mayer Brown. He advises on shareholders- and equity-related disputes, property-related litigation, libel litigation and media-related litigation work, and litigation and arbitration in the PRC. He represents banks and financial institutions, property developers and corporations as well as Mainland China enterprises on securities- and equity-related disputes.

Mr. So has acted as Arbitrator and Mediator in shareholders and other disputes and is on a number of panel of arbitrators in Asia. He has also acted as Deputy Judge at the District Court (18/11/2002-13/12/2002) and Temporary Deputy Registrar at the High Court (8/12/2003-10/1/2004). He is a China-Appointed Attesting Officer (appointed by the Ministry of Justice of PRC). He was the President of the Society (6/2016 – 6/2018) and is a solicitor-advocate with rights to appear in the higher courts in Hong Kong.

Mr. So was praised by "*The Legal 500 Asia Pacific 2010/2011*" for providing "sound knowledge" and "practical solutions" to clients. "*Chambers Asia Pacific 2011*" describes Thomas is "instrumental in many cross-border cases".

### **Mr. Mark Daly, Council Member and Member of CAHRC of the Society**

Mr. Daly is a human rights lawyer originally from Canada and has worked in Hong Kong since 1995 primarily on public law/human rights litigation, advocacy and access to justice issues. In addition to test cases in the highest courts in Hong Kong involving permanent residence for migrant domestic workers (the “*Vallejos*” case 2013) and the refugee principle of non-refoulement in customary international law (the “*C*” case 2013), significant cases include the Court of Final Appeal (“CFA”) case of *Sakthevel Prabakar v Secretary for Security* (FACV 16 of 2003, Judgment 8th June 2004) involving the question of refugees and the Convention Against Torture “CAT”, and cases involving the issues of forced labour/human trafficking and LGBT+ cases (the “*Angus Leung*” case CFA, 6 June 2019).

As Amnesty International’s representative he has attended, as international legal observer, the trial in Kuala Lumpur, Malaysia, of former Deputy Prime Minister Anwar Ibrahim and the appeal of opposition politician, Lim Guan Eng. Mr. Daly is an original member of the Article 23 (opposed to proposed security legislation) and Article 45 (democracy) Concern Groups. His firm was the winner of the Asian Legal Business “Pro Bono Law Firm of the Year” and the Society’s pro bono awards.

Mr. Daly also lectured on the legal position of asylum seekers in Hong Kong at HKU’s 1st “Intensive Course on International Refugee Law” in 2006 and has since been a trainer for the legal profession on Refugee/CAT law. He has been a speaker at the UNHCR, Geneva, on Human Rights Litigation and at the 25th LAWASIA Conference and the Commonwealth Law Conferences on human rights and the rule of law. He holds an LLM in Human Rights from HKU and other academic interests include strategic litigation, constitutional law and the Rule of Law. He is a Council Member and member of CAHRC of the Society.

### **Mr. John Clancey, Member of CAHRC of the Society**

Mr. John Clancey was admitted to practise as a solicitor in Hong Kong in 1997. He has been working as a solicitor with Ho Tse Wai & Partners since his admission.

Mr. Clancey has handled a large number of medical negligence and personal injury cases. He also appears as an advocate in coroner’s inquests. He acted for two of the plaintiffs in the application which resulted in the judgment by Mr. Justice Bharwaney to change the discount rate. He also acts for applicants in Basic Law related judicial review and criminal cases.

Mr. Clancey is a mediator and has acted as a mediator in more than 10 medical negligence and personal injury mediations. He has provided pro bono services to individuals, organisations and groups during his legal practice. He is a member of the Society’s CAHRC and Legal Education Committee. He is also a legal adviser to the Professional Teachers’ Union, the Hong Kong Workers’ Health Centre and the Hong Kong Stroke Society. He is a member of the Hospital Board and Hospital Governing Committee of Our Lady of Maryknoll Hospital.

Mr. Clancey is the chairman of the Asian Human Rights Commission and the Asian Legal Resource Centre and a founding member and member of the Executive Committee of the China Human Rights Lawyers Concern Group.

## Moderators:

### **Mr. Amirali Nasir, MH, JP, Vice-President and Chairman of CAHRC of the Society**

Mr. Amirali B. Nasir is a solicitor admitted in Hong Kong and England and Wales (previously also admitted as a solicitor at the DIFC) practising under the name and style of NASIRS® (formerly AB Nasir & Co.®) since 1992. His principal areas of practice are dispute resolution and commercial law. He chairs the Society's CAHRC, Guide Working Party, International Legal Affairs Committee and InnoTech Committee. He was previously a Board member of the Equal Opportunities Commission and the convenor of its Legal and Compliance Committee. He was on the committee on the Promotion of Racial Harmony. He is Hon. Treasurer and trustee of The Incorporated Trustees of the Islamic Community Fund of Hong Kong which manages all the major mosques and Muslim cemeteries in Hong Kong.

### **Mr. C.M. Chan, Vice-President of the Society**

Mr. C.M. Chan was elected Vice-President of the Society in 2018 and 2019, and re-elected in 2020. Mr. Chan first joined the Council in 2016, and has since been involved in the work of Standing Committee on Compliance, Standing Committee on Practitioners Affairs, Standing Committee on Standards and Development, Standing Committee on External Affairs and various other committees. Mr. Chan was the founding chairman of In-House Lawyers Committee. He is the incumbent Chairman of the Greater China Legal Affairs Committee. He was nominated to represent the Society in the International Bar Association Corporate Social Responsibility Committee (2007 - 2012) and LAWASIA as Country Councillor (2016 - present). He serves on a number of statutory bodies, including the Board of Review (Inland Revenue) (2013 - 2018), HKICPA Disciplinary Panel and the Committee on Provision of Space in the Legal Hub. He is also an external examiner of the Department of Professional Legal Education of HKU.



### Enrolment Conditions:

1. The course is open to all solicitors and trainee solicitors. Enrolments will be accepted on a first-come-first-served basis.
2. If a registrant cannot attend a booked free course, he must give the Academy of Law ("Academy") **at least 2 working days' written notification** of his absence, or failing which, the registrant will not be entitled to enrol in any free CPD courses for the remaining part of 2020. For avoidance of doubt, Saturdays, Sundays and public holidays are not treated as working days for the purpose of counting the 2 working days' written notification to the Academy.
3. Only those who have been allocated a seat will receive a confirmation email from the Academy. Those who have not received a confirmation email from the Academy before the date of the course shall treat their registrations for the free course unsuccessful.
4. To attend this course, attendees will have to open a Zoom account in their personal name, log onto the course using their zoom account and identify themselves upon logging on or when being requested to do so. Attendees will have to keep the sound on mute unless they are asking a question.
5. Attendees shall only use one device to assess the webinar via Zoom.
6. Please click here for the Bad Weather Policy.
7. Please click here for the CPD Attendance Policy which applies to those who wish to claim CPD points from the Law Society of Hong Kong.
8. The Hong Kong Academy of Law reserves the right to alter the contents, speaker(s) or otherwise of this course, or cancel this course.

### Personal Information Collection Statement

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In making the Application, it is obligatory for you to supply the Academy with the data requested in this Enrolment Form except as otherwise indicated. The consequence for you if you fail to supply such data is that the Academy will not be able to process the Application.

The data may be provided to such persons within the Academy whose proper business it is to have access to and assist in the processing of the Application and related matters. The data may also be provided to the Law Society of Hong Kong, the CPD course facilitators / workshop leaders / presenters and other persons who may help the Academy in attaining the purposes above mentioned.

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This course will be delivered through the Zoom app with a simultaneous visual relay of the participants' video to the presenters, the Law Society / the Academy of Law, assisting in the course and the other participants through the Zoom node locally or internationally

You have the right to request access to and correction of the data. Any such request should be addressed to the Company Secretary, Hong Kong Academy of Law Ltd., 3/F, Wing On House, 71 Des Voeux Road, Central, Hong Kong.

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