

RCCL Roundtable on “Legal Issues Relating to Mong Kok Riot, Hong Kong Independence, and Freedom of Expression”, 5 June 2016

— Pinky Choy

The riot in Mong Kok, which took place between the first night and the morning of the second day of the Chinese New Year in 2016, and the advocacy of Hong Kong independence are two incidents which lead to heated debate in Hong Kong society and arouse great attention of the Central Government recently. While these two incidents definitely have great political impacts on Hong Kong, their significant legal implications on HKSAR’s human rights protection, law and order, the rule of law, and the Basic Law of HKSAR also cannot be overstated. Notwithstanding that, however, there had never been any systematic discussion about the legal aspects of these two incidents and the relevant matters.

Due to this reason, with the mission of encouraging and facilitating study, research and exchange on Hong Kong Law and Chinese and Comparative Law, the Centre for Chinese and Comparative Law (RCCL) of the School of Law of City University of Hong Kong held a half day Roundtable on 5 June 2016 to provide a platform for legal scholars and practitioners to exchange their views on various legal issues relating to the Mong Kok riot and the advocacy of Hong Kong independence. This Roundtable aimed to serve two important purposes: 1) To help in clarifying some legal issues relating to the two incidents; and 2) To lay a foundation for further research and discussion on the relevant issues.

Eight invited speakers included prominent scholars in the relevant field and reputable legal practitioners, they are: Mr. Cheng Huan, S.C. (Senior Counsel, HKSAR); Mr. Chu Kar Kin (Commentator; Member, Chinese Association of Hong Kong & Macao Studies); Mr. Danny Gittings (Associate Professor, College of Humanities and Law, School of Professional and Continuing Education, The University of Hong Kong); Prof. Gu Minkang (Professor, School of Law, City University of Hong Kong); Mr. Alan Hoo, S.C. (Senior Counsel, HKSAR; Chairman, Hong Kong Basic Law Institute); Prof. Lin Feng (Associate Dean & Professor, School of Law, City University of Hong Kong); Mr. Lawrence Ma (Barrister, HKSAR; Executive Council Chairman, CA Legal Exchange Foundation (HK) Ltd); Prof. Kam C. Wong (Associate Professor, Department of Criminal Justice, Xavier University).

The Roundtable was kicked-off by the welcome speech of Dean of our Law School Prof. Geraint Howells. After that, all the eight speakers were firstly invited to give their views on the relevant issues, and then followed by discussion.



(First on the right) Prof. Geraint Howells gave the welcome speech.

Issues discussed during this Roundtable included: the legality and constitutionality of the two incidents in Hong Kong; the protection and limitation of freedom of expression and freedom of association in Hong Kong; the relevance of these two incidents to national security and the Basic Law.



Mr. Danny Gittings gave his presentation at the Roundtable.



(Front row, from left to right) Prof. Lin Feng, Prof. Gu Minkang and Mr. Chu Kar Kin.



(Second on the left) Mr. Lawrence Ma gave his presentation.



(Front row from left to right) Mr. Cheng Huan, S.C., Mr. Alan Hoo, S.C., and Prof. Kam C Wong.

During the discussion session, one of the invited participants, former Director of Public Prosecution, Mr. Ian Grenville Cross, S.C. also shared with all the participants the

prosecution practice of the Department of Justice in handling cases relating to freedom of expression and freedom of association.



Mr. Ian Grenville Cross, S.C. joined the discussion.

Given the speakers and participants examined the issues from different perspectives and their major concerns (as well as political stances/beliefs) were also different, so not surprisingly, heated debates and divergent opinions were resulted during the discussion.

Notwithstanding that, however, all the discussions were healthy, rational and constructive. So, while no consensus was reached among the participants, the Roundtable has already fulfilled its aims of drawing attention of the legal community to the need and urgency of further discussion on the legal aspects of the relevant matters.

