



## **Human Rights and Judicial Review**

**Invited Lecture for the LLM in Common Law Programme**

**by**

**Mark Daly and Chelsea Cheung – Daly & Associates**

**Monday, 14 Nov. 6:30-7:30pm**

Students in the LLM in Common Law Programme at the Chinese University of Hong Kong Faculty of Law will hear from distinguished speakers Mark Daly and Chelsea Cheung, respectively Principal and Associate of Daly & Associates, one of Hong Kong's leading law firms actively engaged in human rights litigation and advocacy. They will discuss rights issues arising in the context of judicial review in Hong Kong, with a focus on cases in the refugee/immigration law context.

Students are encouraged to raise questions about human rights law in Hong Kong, refugee and immigration issues, the experience of litigation, the functioning of the common law, and other relevant topics. Biographical summaries for the two speakers are attached.

# **DALY** 帝理律師行 & ASSOCIATES

## **Mark Daly, Principal**

Mark 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”, cases involving the issues of forced labour/human trafficking and LGBTI cases which include the “Angus Leung” (FACV no. 8 of 2018) case on government employees benefits’ being extended to same-sex couples, the “Ng Hon Lam Edgar” case on inheritance right for same sex couples and the “Henry Li” case on widower rights for same-sex couples.

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 for sedition and publishing ‘false news’. Mark is an original member of the Article 23 (opposed to proposed security legislation) and Article 45 (democracy) Concern Groups and his firm was the winner of the Asian Legal Business “Pro Bono Law Firm of the Year” and numerous Law Society pro bono awards.

Mark also lectured on the legal position of asylum seekers in Hong Kong at the University of Hong Kong’s 1st “Intensive Course on International Refugee Law” in 2006 and has since been a trainer for the legal profession on Refugee/CAT/non-refoulement law. He was 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 former member of the Law Society Council and of the Constitutional Affairs and Human Rights Committee.

# **DALY** 帝理律師行 **& ASSOCIATES**

## **Chelsea Cheung, Associate**

Chelsea is a public interest lawyer specializing in administrative and immigration law. Born in the mainland, Chelsea was educated locally and completed her LLB and PCLL studies in The Chinese University of Hong Kong. Since her university years, she has been devoted to advocating for the rights of the underprivileged. Previously as a journalist in the CUHK student press, Chelsea started volunteering in “grassmediation”, a self-organized online media, by writing reports and commentaries on grassroots issues concerning foreign domestic workers, ethnic and sexual minorities and other marginalized groups across the globe.

Throughout her training at Daly & Associates, Chelsea has assisted with landmark judicial reviews concerning non-refoulement claims and LGBTQI+ rights. Derived from her prior involvement in detention advocacy, Chelsea has been collaborating with NGOs and civil society groups to advance the rights of immigration detainees through legal actions and public education. She has also built her expertise in extensive immigration matters and gained experiences handling criminal, family, employees’ compensation and personal injuries and other civil cases.

At work, Chelsea adopts a person-centred approach in communicating with the clients. She is always compassionate for vulnerable clients with traumatic experiences, recognizing and respecting their feelings and emotions before offering legal solutions. In addition to timely and proper legal advice, Chelsea believes intersectional support is equally important in ensuring the best interests of her clients.

It is Chelsea’s firm belief that legal knowledge is not a privilege, but a route to self-empowerment. As a newly qualified solicitor, she strives to assist the marginalized community in achieving equal access to justice.