

SCHOOL OF LAW

Newsletter

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Hong Kong Centre for Maritime and Transportation Law

Welcoming and Graduation
Ceremony for LLM Programme
for Chinese Judges

LLB Admission Scholarship Prize
Presentation

International ADR (Alternative
Dispute Resolution) Mooting
Competition

The Second International
Conference on the New Haven
School

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MESSAGE FROM THE DEAN

The year 2010 has been eventful for our Law School once again. We have not only sowed but also harvested from our hard work. We have been focusing on our education theme: globalisation. Globalisation, by posing challenges, gives us vast opportunities. For years, we have delivered a legal education with worldwide perspectives, equipping students with global skills and knowledge. Our aim has been to prepare them for any role in any part of the world, making them capable of embracing the multifaceted requirements of globalisation.

One approach to teaching is to show students the importance of learning to swim by swimming, i.e. competing with their counterparts around the world. For instance, our students have garnered prizes in international mooted competitions over the last year.

We are not satisfied with mere participation in renowned international mooted competitions. This year, we initiated the inaugural International ADR (Alternative Dispute Resolution) Mooted Competition. The competition was unique. It was the first time law students from overseas had competed in a mooted that was created, developed and hosted in Hong Kong. By organising this international competition, the School offered law students an opportunity to enhance their research, analytical and advocacy abilities as well as the professional skills of arbitration and mediation. We are proud to say our team won the Runner-up and also the Runner-up Best Arbitrator and Mediator.

Our Law School is chasing academic greatness with a fixed global perspective. We are recognised as one of 15 law schools specialising in international investment law around the globe and we were invited by the United Nations Conference on Trade and Development (UNCTAD) to join the G-15 of Law Schools. UNCTAD carefully identified 15 law schools for the G-15 pilot programme with a view to facilitate broad regional and demographic diversity. The invited law schools have a dedicated interest in the evolution of the international investment system.

Our strong ties with mainland institutions are one of the many edges to our School. Since signing the tripartite agreements with the National Judges College of the Supreme People's Court of China and Columbia University Law School in 2008, the School has organised two cohorts of LLM programmes and advanced programmes for Chinese judges and senior judges. The programmes have been so successful that the students were invited by Korea University for a one-week academic exchange in July 2010.

Furthermore, the third batch of LLM Chinese judge students was interviewed in mid September. They will begin their studies in our School in January 2011. Our collaboration with the National Judges College has also risen to new heights. The School and the National Judges College signed an agreement offering a Doctor of Juridical Science (JSD) programme for senior mainland judges under which we will admit 20 senior judges annually. These programmes not only allow Chinese judges to learn common law but also provide opportunities for interactions between the Chinese judges and our faculty and students.

It is our goal to provide quality legal education for our students and to broaden their horizons as far as possible. To this end, we try to cooperate with prominent universities around the globe. In this regard, the School and Tsinghua University Law School entered into an agreement to offer double degrees in postgraduate legal education. Students can obtain degrees from both CityU Law School and Tsinghua University Law School within the shortest and most reasonable period of time.

We continue to develop new fields of legal studies for the benefit of Hong Kong. Having observed a need, we established the Hong Kong Centre for Maritime and Transportation Law in March this year to develop research projects and offer courses in maritime, aviation and other areas of transportation law. From September, we began the first Master of Laws degree on maritime and transportation law.

Over the years we have run international conferences, staff seminars and Eminent Speakers Lecture Series for the purpose of exposing our colleagues and students to the vast dimensions of globalisation. Our efforts have been recognised by our partners in other jurisdictions. For instance, not long ago, Yale Law School agreed to be a co-organiser with our School for the International Conference on the New Haven School of Jurisprudence, an annual event of our School.

The CityU Law School is progressing fast to gain international standing with our edges and strength in our various programmes and mooted competitions. Our dedication and commitment lead us to another bright year.



Professor Wang Guiguo
Dean & Chair Professor of Chinese and Comparative Law

CITY UNIVERSITY OF HONG KONG ESTABLISHES THE HONG KONG CENTRE FOR MARITIME AND TRANSPORTATION LAW

The CityU School of Law has established the Hong Kong Centre for Maritime and Transportation Law (Centre), which will serve as a bridge between the academia, industry and the legal profession. It will be comparative in perspective and global in scope. The Centre will nurture and train the next generation of maritime law and shipping professionals and promote Hong Kong as a premier global seaport.

The inauguration ceremony was held on 18 March 2010 at the CityU campus. Officiating guests at the ceremony included the Honourable Leung Chun-ying, (Convenor of the Non-official Members of the Executive Council of the Hong Kong SAR and Council Chairman of CityU); Professor Way Kuo, President of CityU; Mr Yau Shing-mu, Acting Secretary for Transport and Housing, Transport and Housing Bureau, HKSAR; Mr Kenneth Koo, Chairman

of Hong Kong Shipowners Association; Professor Wei Kwok-kee, Dean of College of Business, CityU; Professor Wang Guiguo, Dean of School of Law, CityU; and Dr Vernon Nase, Director of the Centre.

Although the primary focus of the Centre is on maritime law, it is also concerned with the law relating to other forms of transportation, such as air, road, rail and multimodal. The Centre also maintains an interest in the law of outer space and telecommunications law.

The Centre is supported by the Law School's significant experience in comparative law teaching and research, professional staff, international linkages, ties to the arbitration profession as well as the shipping industry and existing/developing expertise in maritime and transportation law.

While work in evolving the role of the Centre is ongoing, it is envisaged that it will offer courses in maritime, aviation and other areas of transportation law to both students and members of the industry. It is also hoped to engage in long term studies of the transportation needs in Hong Kong and to respond to industry needs. The development of the Centre will take place with strong industry involvement and support.



Officiating guests at the inauguration ceremony.

MESSAGE FROM DR VERNON NASE, DIRECTOR OF THE CENTRE



Dr Vernon Nase, Director of the Centre

In my view CityU has shown great vision in establishing the Centre and providing it with a very broad interdisciplinary mandate. The Centre meets a pressing, perceived need and its establishment has resulted from approaches to the university by the shipping industry and discussions with industry, government and insurers.

We really want this Centre to be something special in terms of teaching, research and other initiatives. While we are serving the interests of the community in seeking to contribute to the future prosperity of the port of Hong Kong, and its growth as an aviation hub, we will not lose sight of the needs of our students.

Our first teaching initiative is the establishment of an LLM in Maritime and Transportation Law. We have also created opportunities for students to compete in several transportation law mooting competitions. For example, a team competed in the International Maritime Law Arbitration Mooting Competition in July 2010. A team also competed in the Manfred Lachs Moot held recently in Sydney, Australia. Our team finished first and undefeated with a record score of 36 out of 36 at the end of general rounds and completed the competition in third place after narrowly losing their semi-final. The CityU team of Cheryl Kong, LC Au and Mike Lam won the trophy for Best Memorials.

In the operation of the Centre we propose to collaborate with other institutions, such as the College of Business at CityU, to develop projects of real value, not just to the University but also to Hong Kong, mainland China, and the Asia Pacific region.

ADVISORY COMMITTEE OF THE CENTRE

The establishment of the Centre fast gained support from the community when the idea was initiated. A meeting was held with the representatives of Transport and Housing Bureau and the Hong Kong Federation of Insurers. The Centre has established an Advisory Committee to provide guidance on its future agenda. Members of the Advisory Committee include Mr Kenneth Koo (Chairman of Hong Kong Shipowners Association), Professor John Mo (China University of Political Science and Law), Dr Charles Li (Department

of Economics and Finance, College of Business, CityU), Mr Andrew Liao (former member, Executive Council), Professor Andrew Lim (Department of Management Science, College of Business, CityU), Professor Charles Norchi (University of Marine School of Law), Dr Kennedy Wong (Philip KH Wong, Kennedy YH Wong & Co.), Professor Anton Cooray, Mr Gu Minkang, Mr Christopher To, and Mr Philip Yang (CityU School of Law).

GRADUATION AND WELCOMING CEREMONY FOR LL.M PROGRAMME FOR CHINESE JUDGES



The emergence of China as an international power, especially in trade and commerce, means there is an increasing need for Chinese judicial professionals who have a global perspective and a considerable understanding of key international legal issues. The School of Law at CityU is pleased to offer its Master of Laws (LLM) Programme for Chinese Judges for a third consecutive academic year.

The second batch of the LLM programme contains 30 Chinese judges from different provinces in mainland China. The judges completed their studies in January 2011, and their graduation ceremony was held on 7 January 2011. The third batch of 30 Chinese judges commence their studies in January 2011.

Following the success of the first LLM programme, SLW has enriched the global elements of the programme by providing diverse overseas learning opportunities. In addition to a one-month legal course at Columbia Law School, SLW arranges for the Chinese judges to visit law enforcement and judicial organisations abroad. These learning experiences enhance the exposure of the Chinese judges to common law practices in Hong Kong and other countries, and provide exposure to key international legal concepts.

For example, 14 students from the second LLM programme attended two lectures given by World Intellectual Property Organization (WIPO) officers and visited the United Nations Institute for Training and Research (UNITAR) in Geneva, Switzerland. During the visit to

the WIPO, the judges gained an understanding of the practice of the WIPO's Alternative Dispute Resolution systems and the practice of China in international IP protection and dispute settlements. The judges also discovered more about the functions and projects of the United Nations Conference on Trade and Development.

Officiating guests attending the opening and graduation ceremony included Justice Wan Exiang, Vice-President of the Supreme People's Court of China; The Hon Leung Chun-ying, Convenor of the Non-official Members of the Executive Council and Council Chairman of CityU; Dr Gao Jinghong, President, National Judges College; Mr Zhan Yongxin, Deputy Commissioner of the Commissioner's Office of China's Foreign Ministry in the HKSAR; Professor Way Kuo, President and University Distinguished Professor of CityU; Professor Arthur Ellis, Provost of CityU; Dr Simon Ip Sik-on, Co-Chairman of International Advisory Board, SLW of CityU; Mr Andrew Liao, Member of International Advisory Board, SLW of CityU; Mr George Tam, Member of International Advisory Board, SLW of CityU; and Professor Wang Guiguo, Dean and Chair Professor of Chinese and Comparative Law, SLW of CityU.

Other prestigious guests included Mr Adrian Fu Hau Chak, Chairman of Fu Tak Lam Foundation Limited; Professor Nohyoung Park, Professor of Law, Korea University Law School; Mr Pan Yonghua, Director-General, Education, Science and Technology Department, Liaison Office of the Central People's Government in the HKSAR.



The Hon Leung Chun-ying said, "We pay equal emphasis in the pursuit of social justice in spite of the difference in judiciary and legal systems in mainland China and Hong Kong. Our legal system is the last defence in social justice. To take a step further, it is also the pillar for a harmonious society. CityU considers highly

of the LLM programme which is contributive to the progress and development of China's legal system."



"China is playing an important role internationally with its economic growth. Demand for legal professionals who understand both the Chinese legal system and the common law system grows in China with the increasing interaction between China and the rest of the world. CityU is proud to have served as a platform for

three consecutive years for such legal education exchanges," said Professor Way Kuo.



Justice Wan pointed out, "Two batches of students have completed the LLM programme so far. The experience has had a positive impact on their work and respective work units. The programme has proved to be successful, paving the way for establishing a sound understanding of legal

knowledge in the UK, US and France and enriching the students' experience of judicial trials in other countries. I believe the programme will surely become an important topic in the judicial exchange between the mainland and Hong Kong. This programme is fully acknowledged by the Supreme People's Court of China."

Professor Wang said, "The launching of the LLM programme for the third batch of Chinese judges demonstrates that there is much room for cooperation and development over the legal education between the mainland and Hong Kong. The School is honoured

to be part of this process. The LLM programme for the Chinese judges is tailor-made in which the judges will not only study in Hong Kong but also at Columbia Law School, the United States and Korea University Law School, Korea, etc. They will also have opportunities to visit the local judiciaries and exchange

views with the local judges in both the United States and Korea. The programme aims to enrich their personal experience in and comprehend the knowledge and practice of common law in other countries and regions, so that they will be able to better perform their duties in foreign-related cases against the trend of globalisation."

Mr Yi Xiaohui, graduate representative of the second batch of LLM judge students, said, "In a nutshell, principles and precedents of Common Law give us more ideas on legal justification and discretion for justice, fairness and reasonableness. To take a step further, we know what an administrative-led government and balanced participation meant in HKSAR; and also how a free and vigorous economy of a society is maintained. We also understand that in any society, justice and efficiency are essential to maintain an effective legal system."

Ms Liu Yanxiao, the incoming LLM judge students' representative, said, "I would like to thank CityU, for providing us with a great platform for learning and communication. After Hong Kong's handover to China, the judicial concepts and beliefs that Hong Kong has always been adopting have exerted far-reaching influence over the Mainland China. The forthcoming year of study and several overseas inspection trips will surely enhance our horizon and help develop our understanding towards the legal system in Hong Kong and other countries. The understanding serves to provide us with a solid foundation to handle the upcoming foreign-related cases in our future. We will cherish this opportunity and fully make use of the available resources provided by CityU and other organisations, striving our best to achieve the best possible results."



CONFERENCES

CityU School of Law hosted several international conferences.

A workshop on **Business, Human Rights and Access to Justice in China** was organised by the School of Law and the Centre for Chinese and Comparative Law (RCCL) in collaboration with the International Commission of Jurists on 5–6 March 2010. It was attended by judges, lawyers, academics and representatives of non-government organisations (NGO) from mainland China and Hong Kong. The two-day event examined various legal issues such as available legal remedies for corporate human rights abuses, anti-discrimination litigation, protecting human rights of people with disabilities, judicial independence, the need for specialised environmental courts, lawyers' autonomy, availability of legal aid, the role of trade unions and NGO, and the scope of public interest litigation. Participants also discussed ways to overcome the obstacles that victims of corporate abuse face in mainland China.



Judges, lawyers, academics and representatives of NGOs from mainland China and Hong Kong attended the workshop.



Annual MAA Peter Schlechtriem CISG Conference

On 13 March 2010, **Annual MAA Peter Schlechtriem CISG Conference: Towards Uniformity** was held at CityU. The Conference was organised by the United Nations Commission on International Trade Law (UNCITRAL), the Moot Alumni Association and the CityU School of Law. The conference brought together judges, legal practitioners and academics from Asia, the US,

Europe and South Africa to examine the latest developments regarding the United Nations Convention on Contracts for the International Sale of Goods (CISG), in relation to its interpretation, and the obligations and remedies of the buyer and seller with a focus on moving towards uniformity.



Following the inauguration of the Hong Kong Centre for Maritime and Transportation Law (the Centre), a conference on **Recent Developments and Issues in Maritime and Transportation Law: An Asia-Pacific Perspective** was organised by the Centre on 18–19 March 2010. The conference brought leading scholars and practitioners to explore key contemporary issues in maritime and transportation law with a particular emphasis on developing an Asian perspective. The objectives of the conference were (i) to explore the most pressing and important issues in Chinese maritime and transportation law today; (ii) to examine recent

developments in maritime and transportation law globally and at a regional level; (iii) to articulate the major issues for HK in re-asserting its position as a leader in the maritime and transportation industries in the mainland China and internationally; and (v) to underline the emphasis placed on these areas of study, research and development through the establishment of the Centre.

A selection of papers presented at the conference have now been published in the latest issue of *Asia Pacific Law Review*, No 2 of 2010 released on 23 November 2010.



The School of Law hosted an international conference on **Towards a Chinese Civil Code: Historical and Comparative Perspective** on 22–23 October 2010. The Conference's purpose was twofold. First, in an age of globalisation, comparative law is ubiquitous. China is undertaking a titanic task to make its own Civil Code. The Chinese legal community is in a process of learning or

borrowing legislative ideas from other experienced jurisdiction. It was hoped that with this conference, the historical and comparative approaches could shed some light on this. Second, this conference was dedicated to commemorating the 100-year anniversary of the first western-influenced and civil-law-oriented Civil Code in China.



The School of Law held a round table discussion on **Issues in Constitutional Law** on 22 November 2010. The round table discussion was facilitated by Professor Dr Bea Verschraegen, Department of European, International and Comparative Law,

Faculty of Law, University of Vienna, Austria. Attending scholars at the round table discussion included Professor Dr Ján Svák, Rector of the Pan European University, Slovak Republic; Professor Dr Heinz Mayer, Dean of the Faculty of Law, University of Vienna, Austria; and Professor Wang Zhenmin, Dean of the Faculty of Law, Tsinghua University, Mainland China.

The Law School was pleased to hold the round table discussion. Hong Kong, similar to other common law jurisdictions, does not wholly rely on a written constitution, but a written constitution supplemented by a range of legal sources, such as international treaties or precedents. The round table discussion provided a platform to learn the role of constitutional law in a comparative perspective.

The School of Law held a highly successful international conference, **The Second International Conference on the New Haven School** on 23–24 November 2010.

The conference, which was cosponsored by Yale Law School, brought together renowned international legal scholars and academics from North America, Europe, mainland China and rest of Asia discuss developments in international law and examined issues such as human rights, foreign investment and international territorial disputes from the perspective of New Haven jurisprudence.



Professor Micheal Reisman, the leading scholar in New Haven School, presented a keynote address at the conference. He examined the idea of a unified personal performance codes with special emphasis on professional and ethical responsibilities of a decision-maker. This presentation led to a lively discussion.

Professor Wang Guiguo made an interesting presentation on the likely impact of the New Haven line of thinking on the Chinese legal system and legal thought from a traditional Chinese cultural perspective.



The School of Law hosted **The Asian WTO Research Network Meeting: International Conference on Trade, Investment, Environment and the East Asian Community** on 27 November 2010.

The meeting reviewed comprehensive business environment from a legal perspective in four aspects, (i) trade policy and underpinning issues, (ii) investment and its linkages with other disciplines, (iii) environment: linkages with trade and investment and (iv) East Asian Community.

Established on 26 May 2004, the Asian WTO Research Network



focuses on research in WTO issues and promotes mutual communication through academic activities.

COLLABORATION WITH OTHER INSTITUTIONS

The School of Law and the Faculty of Law at Tsinghua University have signed a letter of intent to develop competitive legal professionals for Hong Kong and the mainland. By making use of the respective strengths of both schools, the two universities will jointly offer three dual master's degree programmes to enable students to receive two master's degrees in the shortest and most reasonable time.

CityU is the first institution in Hong Kong to collaborate with Tsinghua University in law programmes at the master's level. Under the collaboration framework, students can be awarded degrees from the two universities through arrangements such as credit transfer and studying at one of the universities for a semester. While CityU students can study Chinese law at one of the most prestigious universities on the mainland, Tsinghua law students will benefit from the internationalised legal education offered at CityU.



CityU has signed a collaborative agreement with the National Judges College (NJC) of the Supreme People's Court of the People's Republic of China to offer a Doctor of Juridical Science (JSD) programme for the mainland judges.

The programme is another joint effort between CityU and the NJC on high-level legal training for mainland judges. It follows the well-established collaboration on the Master of Laws Programme for Chinese Judges and the Advanced Programme for Chinese Senior Judges. It is anticipated that the JSD programme will further promote the exchange of juridical studies between Hong Kong and the mainland and enhance the legal knowledge of mainland judges.

CityU and NJC will start admissions of the first batch of mainland judges of the JSD programme in September 2011. The annual intake will be 20 serving mainland judges recommended by the NJC under the guidance of the Supreme People's Court. Courses will be taken at both CityU and the NJC. Supreme People's Court judges will supervise thesis work and give lessons. Upon the completion of all courses, including the oral examination, students will receive the JSD degree awarded by CityU.

OUTCOMES BASED TEACHING AND LEARNING

by Dr John DS Ho



Outcomes Based Teaching and Learning (OBTL) is a student-centered approach to learning and teaching, which has been widely adopted in universities across the world. It guides the active learning of students, and the continual improvement of courses.

It has been almost three years since the School embarked on the OBTL road in 2007. There has been a conscious and meticulous revamping of the Form 2As and Form 2Bs, which spell out the intended outcomes of the respective programmes and courses. In the process of revamping the forms, programme leaders, course leaders and programme committees ensure that the programme outcomes and course outcomes are “constructively aligned”. While some may view that exercise as the backbone of OBTL, it is only the bare minimum and the beginning of the process.

An intended outcome of OBTL (to use OBTL terminology!) is the enhancement of the quality of teaching and learning. In the process of thinking about the process, teachers consciously or subconsciously must pay attention to how teaching and learning can be made more effective and efficient. Yet OBTL must be viewed not in isolation but in the wider context of what other changes are taking place or are in store in Hong Kong’s tertiary education sector. For instance, undergraduate curricula will be extended in 2012 by one year to four years (although LLB is already a four-year programme), and students (including ours) must take at least 30 credit units of general education. General education (GE) has

its own programme intended learning outcomes and the School of Law must take these into account when preparing its Form 2Bs for GE proposals.



To promote the implementation *Dr John DS Ho*

of OBTL, the School has developed what by now may be called a tradition of having a retreat every academic year devoted to teaching and learning as well as the School’s overall direction and development. The two-day event offers a rare (if not the only) opportunity where all teaching staff meet together as a group for the in-depth deliberation of common concerns that cannot be conveniently dealt with in formal School meetings — such as issues related to pedagogy and sharing best practices — and has the pleasant added value of building a spirit de corps. We can even point to the launching of a student-edited law review (*City University of Hong Kong Law Review*) as a solid example of the retreat’s achievements. On a less dramatic level, programmes have integrated into their review process regular focus group meetings, where students are encouraged to make suggestions (and criticisms!), which have ranged from course offerings to social gatherings, so that the quality of teaching and learning is continually improved. These subtle, but wide-ranging, changes are beyond the Form 2As and Form 2Bs but undeniably part of OBTL!

STAFF SEMINARS

The School of Law organized the following staff seminars on different topics in the year 2010 so far:

Professor Dr. Rolf H. Weber (Chair Professor of Law, University of Zurich, Visiting Professor of the University of Hong Kong) spoke on Supervision of Financial Conglomerates — New Approaches in the Aftermath of the Financial Crisis?, on 27 January 2010

Professor Bea Verschragen (University of Vienna, Austria) gave a talk on Alternative Approaches to Party Autonomy and International Mandatory Law, on 25 February 2010.

Professor Wang Yunxia (School of Law, Renmin University of China, Beijing, PRC) spoke at Round Table Seminar Series which was organised by the Centre for Chinese and Comparative Law

(RCCL) on Recovery of Cultural Property Illegally Transferred Aboard, on 26 February 2010.

Dr Johnathan Clough (Associate Professor, Faculty of Law, Monash University, Australia) spoke on Crime in Cyberspace, on 10 March 2010.

Professor Dr. Ingeborg Schwenzer (University of Basel, Switzerland) spoke on The CISG — A Global Success, on 11 March 2010.

Professor Richard Goldberg (Senior National Prosecutor for the United States Government) spoke on New Global High Tech Crimes: How the Law Lets Criminals Go Small and Get Big Results, on 12 March 2010.

Dr Liu Hao (School of Law, Beihuan University, PRC) spoke on New Development of Chinese Aviation Law, on 26 March 2010. The seminar was organised by the RCCL.

Professor Liu Lihong (School of Law, Wuhan University, PRC) spoke on Public Interest Litigation in the Transitional Era in China, on 27 April 2010. The seminar was organised by the RCCL.

Professor Raúl Emilio Vinuesa (Faculty of Law and Social Sciences, Universidad de Buenos Aires) spoke on Settlement of Disputes between States and Foreign Investors, on 3 September 2010.

Mr Han Sang-Dae (Chief Prosecutor of Seoul High Prosecutor's Office) spoke on Overview of Korean Jurist Society on 27 October 2010.

SCHOOL OF LAW ACTIVITIES

SECRETARY-GENERAL OF PERMANENT COURT OF ARBITRATION SPEAKS ON “THE ROLE OF ARBITRATION IN A GLOBALIZING WORLD: A VISION OF THE FUTURE”

The CityU School of Law was pleased to have Secretary-General Christiaan Kröner to speak at the Eminent Speaker Lecture Series on 13 September 2010.

Mr Christiaan Kröner is the Secretary-General of Permanent Court of Arbitration (PCA). He is also the head of the International Bureau of the PCA. He joined the Ministry of Foreign Affairs in 1973 and has held several positions throughout his diplomatic career. He was appointed Ambassador-at-Large and Deputy Director-General Political Affairs of the Ministry of Foreign Affairs in The Hague; Consul-General in Munich; and Deputy Head, Directorate Atlantic Cooperation and Security Affairs, of the Ministry of Foreign Affairs, The Hague; and Ambassador of the Netherlands in the United States of America. He holds a law degree from the University of Leiden, where he studied international law.

The topic of the speech was “The Role of Arbitration in a Globalising World: A Vision of the Future”. Secretary-General Kröner elaborated the subject in three aspects: (1) the promise of



arbitration; (2) the PCA and globalisation: flexibility in a changing world and (3) coming full circle: the necessity of arbitration in a globalising world.

PROFESSOR KONO TALKS ON “SECURITY RIGHTS AND INTELLECTUAL PROPERTY IN INTERNATIONAL CONTEXT”

Professor Toshiyuki Kono gave a lecture on “Security Rights and Intellectual Property in International Context” on 7 October 2010. He illustrated a complex topic with examples and clear line of thoughts. Participants could well grasp the multifaceted aspects of security rights in intellectual property (IP) issues.

The lecture illustrated and analysed three aspects with a focus on choice of law issues. First, why the negotiations were so difficult; second, whether the conclusions of the UNCITRAL Working Group VI (security interests) were desirable; and third, if it was not desirable, what solution would be more appropriate.

Professor Kono is the Distinguished Professor of Kyushu University (Fukuoka, Japan); LL.M. (Kyoto); Vice President of the International



Academy of Comparative Law; Director of the International Academy of Commercial and Consumer Law; and Chairman of the Committee for Cultural Affairs of the UNESCO National Commission Japan.

CHIEF PROSECUTOR OF SEOUL HIGH PROSECUTOR’S OFFICE GIVES A TALK ON “MANY ROLES OF THE ATTORNEYS IN A GOVERNMENT”

Mr Han Sang-Dae, Chief Prosecutor of Seoul High Prosecutor’s Office, visited the School of Law during the week of 25–29 October 2010. Mr Han has started to serve in the Seoul Prosecutor’s Office since 1983. He was assigned to various roles in Korean government, such as legal attaché to the Korean Embassy in the United States of America and Director of Legal Affairs Office of the Ministry of Justice.

During his visit to the School, he shared his extensive experience in prosecution service in the Republic of Korea at the Eminent Speaker Lecture Series.

Mr Han spoke on “Many Roles of the Attorneys in a Government” at the Eminent Speaker Lecture Series. In his lecture, he gave an overview of the Korean legal system and the work of the Office of Legal Affairs of the Ministry of Justice. He then elaborated on the roles of lawyers took in the Government of the Republic of Korea.



Those functions of attorneys in the government can be classified broadly as legislation, legal advising, litigation and international activity. Practically the Korean government is facing several missions to meet the necessity of lawyer’s work in the government with clear efficiency. They are setting up policy to recruit, train and provide attorneys. Furthermore, the challenge of how the government lawyers to cooperating with the jurists in other fields such as judges, law school professors and practicing lawyers remains a challenge.

RENOWNED INTERNATIONAL ARBITRATOR SPEAKS AT 17TH ANNUAL GOFF ARBITRATION LECTURE



On 7 December 2010, CityU School of Law hosted the 17th Annual Goff Arbitration Lecture at the Hong Kong International Arbitration Centre (HKIAC). The guest of honour was Mr Michael Hwang, S.C., a renowned international arbitrator, who was appointed as the Chief Justice of the Dubai International Financial Centre

Courts in June 2010.

Mr Hwang, S.C. delivered a timely and relevant lecture at the HKIAC on the importance of addressing confidentiality in arbitration. The lecture was titled 'A Model Form of Procedural Order Relating to Confidentiality in Arbitration'. After a brief analysis of how some jurisdictions, such as Singapore, Australia, New Zealand, and the UK, have handled the general obligation of confidentiality in arbitration, he presented a detailed proposal on a model procedural

order relating to confidentiality in arbitration.

The lecture was an impressive, comprehensive and well-structured analysis of a series of model clauses that incorporate a definition of confidential information, reasons for disclosing confidential information, exceptions to disclosure of confidential information, a pre-condition to disclosure, and a procedural mechanism that addresses due process concerns for parties who intend to disclose certain confidential information. The evening lecture concluded with remarks on how such a model procedural order relating to confidentiality in arbitration may be enforced.



MOOTING CORNER

MOOTING AT CITYU: AN OVERVIEW FROM THE MOOT DIRECTOR

by Mr Rajesh Sharma

In the last two years the CityU School of Law has created its own name in the international mooting arena. Coming from the splendid performance in the last year, in 2010 we have achieved an overall growth. Every mooting team has won some prize or recognition. Mooting teams have brought honour and prestige to the School of Law. Their impressive performance reflects that our students are competitive at the international level.

In addition of participating in international mooting competitions, this year we also successfully organised three internal moots. Whereas one moot (Torts Moot) was specially designed for the fresh law students, another moot (Criminal Law Moot) was open to students of year two and above. The third moot was launched as an open competition among students of all years. The School of Law aims to continue organising internal moots in future so that students could receive adequate opportunities to acquire and harness their skills by taking part in this learning activity. The benefits of mooting are



achieved through advanced writing, research and advocacy skills, critical thinking and problems-solving skills, accelerated learning, and exchange of ideas with law students from around the world during mooting competitions.

The success in mooting is dedicated to our students. It is because of their commitment and hard work that we have achieved success in mooting competitions. They have made us proud. We are also very fortunate to have dedicated coaches and other colleagues who have invested their time and energy to train students.

STUDENT ACHIEVEMENTS IN MOOTING COMPETITIONS

7th Annual Willem C. Vis (East) International Commercial Arbitration Moot (15–21 March 2010)

The CityU team was represented by Dickie Mok (JD), Prabhjyot Kaur (LLB), Flora Tse (JD), Suraj Sajani (LLB) and Karen Lau (LLB). The students were intensively trained by preeminent scholars, including Professor Gabriël Moens of Murdoch University on the bench.

We are delighted to report that the team received Honorable Mention for the Best Memorandum on Behalf of Claimant and Honorable Mention for the Best Memorandum on Behalf of Respondent and ranked 18 out of 75. Dickie Mok and Flora Tse were oralists in this Moot competition.

Manfred Lachs Space Law Moot Court Competition (13–17 April 2010)

The Moot was held in Australia on 13–17 April 2010 and the team comprised Au Lut Chi, LC (LLB); Kong Cheuk Man, Cheryl (JD) and Lam Ho Yan (LLB). It is pleasing to note that the team Ranked 3 out of 29 and received Best Memorial Award. LC ranked the Top 4th Oralist and Cheryl the Top 5th Oralist.

CityU finished 1st in General Rounds and undefeated securing 36 out of 36 marks available, only the second time in the history of the moot that a team had scored the perfect score. This entailed winning all judges on all benches and winning memorial marks by more than 10% over all teams competed against.

11th Annual International Maritime Law Arbitration Moot (2–6 July 2010)

The Moot was held in Australia on 2–6 July 2010 and the team comprised Leung Yuen Quan, Malisa (JD), Ma Ching Kong (JD) and Yeung Pui Ying, Ada (JD). Our mooters performed at a true international standard and we are very proud of their efforts. Ada won the AMTAC "Spirit of the Moot" Award for her "gracious and resolute performance under particularly fervent questioning by the panel in a general rounds hearing" as described by Dr Kate Lewins, Director of the Moot.

The School performed well in other moot competitions and garnered various prizes as well.

Mooters Chan Ka Hang, Louie (LLB) and Chan Sum Yi, Priscilla (JD) were ranked the Top 9th Oralist and Top 6th Oralist respectively in the **4th LAWASIA International Moot 2009**, held in Vietnam on 9–12 Nov 2009.

17th Annual Willem C. Vis International Commercial Arbitration Moot (26 March–1 April 2010)

The team received Honorable Mention for the Best Memorandum on Behalf of Respondent. Suraj Sajani and Prabhjyot Kaur were oralists in this moot competition.



CityU team was awarded with the Best Applicant Memorial in the **Philip C. Jessup International Law Moot Court Competition 2010, HK (Regional)**, held in Hong Kong on 20 Feb 2010. The team consisted of Chan Ka Hang, Louie (LLB); Chan Tin Lok (LLB); Chen Zhaoxu, Michelle (JD); Hui Man Hei (LLB) and Wat Lai Yee, Winnie (LLB). Louie ranked the Top 3rd Oralist.



In the **8th Red Cross International Humanitarian Law Moot 2010**, held in Hong Kong on 5–6 March 2010, the team — which consisted of Anthony Michael Gormley (JD); Inge Roggeveen (JD); Ip Gee Kin, Ken (LLB) and Li Wai Shan, Sonia (LLB) — ranked as one of the Top Five Defendant Teams and was awarded with Second Honorable Submission.

In the **Foreign Direct Investment International Moot Competition 2009**, which was held in Frankfurt on 22–24 October 2009, with the CityU team comprising Law Wing Suen (LLB); Lo Cheuk Him (PCLL); Ng Gene Bond (LLB); and Tang So Man, Candy (PCLL), CityU Ranked 8 out of 29.

Another team, represented by Kang Yanan (LLB); Law Wing Suen (LLB); Man Ho Yin, Jacky (LLB), Ranked 6 out of 21 in the **Frankfurt**



Investment Arbitration Moot Court Competition 2010, which was held in Frankfurt on 9–12 March 2010.

MOOTING CORNER

THE INTERNATIONAL ADR MOOTING COMPETITION 2010

Dr Vernon Nase

The CityU School of Law took the lead to launch an International ADR Mooting Competition (ADR moot). ADR moot was an innovative and exciting initiative of three institutions: the China International Economic and Trade Arbitration Commission (CIETAC), CityU School of Law and the Columbia University Law School (New York). CityU was the host institution and the inaugural International ADR moot took place at CityU in August 2010.

Professor George Bermann of Columbia University Law School, former Chief Justice Andrew Li of the Hong Kong Court of Final Appeal, Professor Michael Reisman of Yale Law School, and Justice Wan E'xiang, Vice President of the Supreme People's Court of the People's Republic of China, served as Honorary Patrons of the Competition.

The Competition was supported by a number of universities and organisations as member institutions, including Faculty of Law of Tsinghua University, College of Law of Korea University, School of



International Law of China University of Politics and Law, School of Law of Hunan Normal University, Murdoch University through the West Australian Institute of Dispute Management, and the Mediation Centre of the China Council for the Promotion of International Trade.

LAW STUDENTS WIN SUSAN J FERRELL TROPHY

On January 30, 2011, law students of CityU School of Law took the championship of the 2010/11 Susan J Ferrell Intercultural Human Rights Moot Court Competition organized by the St Thomas University School of Law in Florida, United States. CityU is the first law school from China and Hong Kong to have earned this honour. Professor Anton Cooray, Mr Gu Minkang, Associate Deans and Mr Rajesh Sharma, Director of Mooting of the School of Law received the winning students at the Hong Kong International Airport.



(from left) Professor Anton Cooray, students Brian Chok, Theo Li, Andrew Tse, Keith Tam, Mr Rajesh Sharma and Mr Gu Minkang



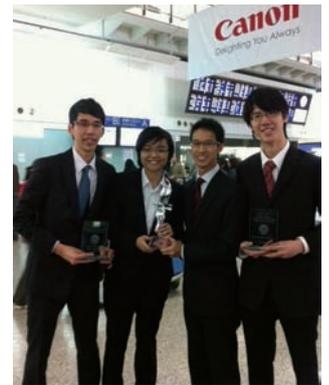
Family and friends share the happy moments

The Susan J. Ferrell Intercultural Human Rights Moot Court Competition has been ongoing for six years. This is the first time that CityU School of Law joined the event and beat many mooting teams from renowned universities by winning the Susan J Ferrell Trophy (the Best Team). It is the first team ever in China and Hong Kong to win the championship in this Competition. CityU School of Law defeated the University of Virginia's School of Law, one of the top-ten law schools in the United States, in the Finals. The CityU team showed an impressive knowledge of the law as well as outstanding mooting skills.



Dr Kielsgard, Professor Wiessner, and Judge Panel with students and the Susan J Ferrell Trophy

The CityU team consisted of Andrew Tse Cheuk-yin and Brian Chok Man-ho and Keith Tam, of the Bachelor of Laws with Honours (LLB) programme, and Li Jiani of Juris Doctor (JD) programme. Dr Mark Kielsgard was coach to the team and Mr Rajesh Sharma supported the team throughout the competition.



CityU Team: Keith Tam, Theo Li, Andrew Tse and Brian Chok

The moot problem was a dispute between a religious group and two countries involving the application of the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention against Torture. The CityU team started preparations in October 2010, submitted memorials for Applicant and Respondent to the judge panel in January 2011, and competed in the United States from 28 to 30 January 2011. The mooting team was required to demonstrate its understanding of a fictional problem on international human rights, law and policy, as well as show excellent English presentation, analytical, advocacy and critical thinking skills.

Professor Wang Guiguo, Dean of the Law School and Chair Professor of Chinese and Comparative Law expressed his warm congratulations to the winning student team and thanked the students for their efforts in the enhancing legal education standard by exceeding an international benchmark.

Professor

Nadja Alexander

Professor Nadja Alexander joined the School of Law in January 2010. An experienced mediation practitioner, researcher, trainer and educational consultant, Nadja has previously held appointments in Australia, Europe, Africa, and the US. Her research interests focus on international and comparative mediation, cross-cultural dispute resolution, and the use of mediation as an interface between customary law and western forms of formal justice. Her books and papers on dispute resolution are published all over the world and her work has been translated into German, Russian and, most recently, Chinese. She is Editor-in-Chief of the international book series, *Global Trends in Mediation*. She has won numerous awards for teaching and innovation and has been the recipient of a prestigious Humboldt Fellowship in Germany.



Nadja serves also as Adjunct Professor of Law at Bond and Murdoch Universities in Australia, and Honorary Research Fellow at University of the Witwatersrand in South Africa.

Associate Professor

Vernon Nase

Dr Vernon Nase joined the CityU School of Law as Associate Professor on 4 January 2010. Vernon is Director of the Hong Kong Centre for Maritime and Transportation Law, and also the Moot Director of the inaugural International ADR Mooting Competition 2010.



Vernon obtained his PhD degree from the University of Queensland. Before joining us, he was Senior Lecturer and Associate Dean (Administration) of the Murdoch Law School in Australia. His teaching specialties are aviation law and international air law, tort law, space law and media law. His publications include "The Development of a Mooting Culture" and "The search for 'something more', the holy grail of DVT litigation" in *International Trade and Business Law Annual 2009*, and "Introduction to Australian Space Laws" in *Space Law: Basic Legal Documents* (editors Bockstiegel, Benko and Hobe, 2007–08 editions). At Murdoch University, Vernon was heavily involved in the activities of the Law School's Moot Court Bench and contributed to the many successes of the Moot Court bench during its inaugural year in 2006.

Assistant Professor

Ding Chunyan

Dr Ding Chunyan obtained her PhD degree from the University of Hong Kong. Her teaching and research interests are medical law, public health



law and medical malpractice liability law. She is collaborating with the research unit of the Department of Linguistic Studies on Textuality and Translation led by Professor Maria Donata Panforti, at the University of Modena and Reggio Emilia, Italy in the framework of the project "Sending, Receiving and Zero-impact Countries: Different Approaches Towards International Adoption".

John KS Ho

Dr Ho obtained his PhD degree from the University of Dundee. His teaching and research interests are business law, corporate governance, business ethics / CSR and financial regulations. His recent publications include "Director's Duty to Promote the success of the company: Should Hong Kong implement a similar provision?" in *Journal of Corporate Law Studies* (Apr 2010).



Avnita Lakhani

Dr Avnita Lakhani joined the School of Law on 24 August 2010. She obtained her PhD degree from Bond University Faculty of Law. Her teaching and research interests are ADR, conflict resolution and negotiation. Her recent publications include "Bride Burning: The Elephant in the Room is Out of Control" in 5 *Pepperdine Dispute Resolutions Law Journal 2* (2005); concurrently published in 3 *Rutgers Conflict Resolutions Law Journal 2* (Spring 2005).



Poomintr Sooksripaisarnkit

Dr Sooksripaisarnkit obtained his PhD degree from the University of Leicester. His research interests are admiralty law, maritime law, and marine insurance law. Before joining us, he was in-charge of law and insurance section, procuring in-house legal assistance to a ship management company. In the meantime, he provided consultations on maritime and transport legal matters, especially marine insurance law.



Senior Teaching Fellow

Michael Jenkins

Michael Jenkins, who has been teaching at the School of Law as Visiting Fellow for many years, has joined us as Senior Teaching Fellow from 1 January 2010.



Michael is admitted as a solicitor in HK and England and holds a Coroner's warrant. He has sat extensively as Deputy Judge in the District Court for substantial periods and has experience in each of the three jurisdictions of the District Court, namely criminal, civil and matrimonial.

FACULTY ACHIEVEMENTS AND GLOBAL OUTREACH

Professor Nadja Alexander

Professor Alexander is collaborating with legal scholars from the University of Witwatersrand, South Africa on an African perspective of ADR. The project will result in a multi-authored book to be published by Lexis Nexis, Johannesburg. She is also working with Professor de Palo (ADR Center, Rome and Hamline University, United States) on the European Union Directive on Mediation in Civil and Commercial Matters. The project compares how the EU members' states are implementing the Directive in relation to various aspects of mediation. It examines both regulatory form and content. Moreover, Professor Alexander is collaborating with Professor Le Baron (University of British Columbia, Canada) on creative approaches to cross-cultural conflict resolution. The project is funded by a Canadian Research Council Grant and builds on the previous work of Professor Le Baron.

Professor Alexander was invited to present a paper in SAAS Fee Workshop on Conflict and Kinesthetic Intelligence organized by the Faculty of Law, University of British Columbia, European Graduate School Switzerland between 4–11 July 2010.

She was invited to deliver a Keynote speech titled "Minding the Mediation Gaps: Stories of Confidence and Confusion in the World of Mediation" at Mediation Symposium which was organised by the Chartered Institute of Arbitrators, London on 27 October 2010.

Chen Lei

Dr Chen was elected as member of the International Academy of Comparative Law in June 2010.

Professor Anton MJ Cooray

Professor Cooray was invited to present a paper at British Association for American Studies Annual Conference, organized by British Association for American Studies of the University of East Anglia on 7–12 April 2010.

He was invited as Visiting Scholar by the Institute of Advanced Legal Studies of University of London on 7–23 July 2010.

He attended the Ninth Workshop of Parliamentary Scholars and Parliamentarians organized by the Centre for Legislative Studies of the University of Hull.

Surya Deva

The International Commission of Jurists (ICJ)—a leading international non-governmental organisation comprising judges, lawyers and academics—invited Dr Deva to prepare a country report for the People's Republic of China on "Access to Justice: Human Rights Abuses Involving Corporations". This study is part of the larger ICJ project on access to justice and legal remedies in cases of human rights abuse involving companies.

Dr Deva presented a paper titled "Corporate Criminal Liability in India: Learning Lessons from 'Bhopal'" at the International Conference on "Legal Remedies for Human Rights Abuse Involving Corporations" which was organised by the International Commission of Jurists in Geneva on 27–28 September 2010.

Dr Deva is a member of the Research Team, lead by Dr Beate Sjøfjell of the University of Oslo, that has been awarded a research grant of NOK5.8 million by the Research Council of Norway to conduct research on "Sustainable Companies—How to Make Companies Contribute Effectively to Mitigation of Climate Change?". The research project will last from July 2010 to June 2012.

Ding Chunyan

Dr Ding was invited to present a paper in Sino-America Health System Reform Forum organized by Health Law Research Centre, Tsinghua University Law School, on 16–17 August 2010.

Gu Minkang

Mr Gu was invited to present a paper at a conference on Perfection and Strategic Development of IP Rights under the Background of Economic globalisation, organised by Center for Studies of IP Rights Zhongnan University of Economics and Law in Wuhan, PRC on 17–18 April 2010.

He was also invited to give lecture at the Qingdao University of Science and Technology on 7–10 April 2010.

Guan Wenwei

Dr Guan presented a paper at a conference on Managing IPR as a Business Asset, organised by European Chamber of Commerce in Hong Kong on 25 June 2010.

He Xin Frank

Dr He presented a paper at 2010 LSA Annual Meeting of the Law and Society Association in Chicago, USA on 27–30 May 2010.

Fozia Nazir Lone

Dr Lone was invited to be co-investigator in a project entitled New Paradigms for the Discipline of International Law in China and India as Rising Powers (The University of Hong Kong, Research Grant—Seed Funding Programme for Basic Research), with Professor JA Carty as the Principal Investigator.

Leung Meifun

Dr Leung attended the Constitution of China Law Society 2010 Annual Meeting held in Zhengzhou University on 27–28 August 2010.

Lin Feng

Dr Lin presented a paper at the Conference on Local Government Dispute Resolution in Mainland, HK & Macau organised by Guangzhou University on 27 and 28 March 2010.

He presented another two papers at the International Conference on Comparative Study of Climate Change and Low-carbon Economy, organised by the School of Law of Renmin University on 1 and 2 June 2010; and at the International Seminar on Rule of Law organized by Korean Association for Comparative Study of Public Law on 18 June 2010.

Dr Lin was Visiting Scholar in Harvard Law School between 20 August and 20 December 2010.

Ong Rebecca

Dr Ong presented a paper at the conference on Globalization, Internet and the Law held in Vienna on 29–30 March 2010.

She was invited to give lectures at University of Leiden in the Netherlands on 19–23 April and 11–17 May 2010.

Steven Wan Ke

Dr Wan presented papers at the 18th Annual Conference on Intellectual Property Law & Policy at Fordham Law School during 8-9 April 2010; at the conference on Perfection and Strategic Development of IP Rights under the Background of Economic Globalization, organized by Center for Studies of IP Rights Zhongnan University of Economics & Law in Wuhan on 17 and 18 April 2010.

He was also invited to attend the Sino-Germany Trademark Conference held in Beijing on 9–12 May 2010.

Professor Wang Guiguo

Professor Wang has been honoured as a Titular Member of the International Academy of Comparative Law. Professor Wang is the first scholar from the Greater China region to receive this honour.

He was invited to present a paper at the Asian WTO Network Annual Meeting held in Korea on 21–22 May 2010; and he presented a paper at the conference on Managing International Investment Disputes—Best Practices for Treaty Negotiation and Case management in Malaysia on 25–27 May 2010.

Professor Wang was invited to deliver lectures at The Hague Academy of International Law on 21–24 July 2010.

Romesh Weeramantry

Mr Weeramantry was invited to attend the Conference on International Investment Arbitration organized by National University of Singapore on 20 January 2010; and International Investment Treaty Law and Arbitration, organized by the University of Sydney on 18–21 February 2010.

Zhu Guobin

Dr Zhu presented papers at conference on One Country Two Systems and Legal System of Macau SAR organized by Macao Polytechnic Institute on 22 June 2010; Round table seminar on Unconstitutional Constitutional Amendments, organized by the Harry and Michael Sacher Institute for Legislative Research and Comparative Law in Israel on 25–26 April 2010; and Seminar on Education, Sustainable Communities and Social Development in Tibet held in Norway on 28–29 June 2010.

UNIQUE OPPORTUNITY OF ATTENDING SUMMER SCHOOL IN MALAYSIA

by Dr Sury Deva

In line with its commitment to offer law students an international curriculum and global learning experience, the School of Law has opened a new opportunity for LLB, JD and LLM students to study at Monash University's Sunway Campus in Malaysia during summer. This programme is the result of an ongoing collaboration between the CityU School of Law and the Faculty of Law of Monash University.

This unique programme will provide students a multi-cultural and multi-dimensional exposure where they would have a chance to not only share classes with students from several laws schools but also being taught intensively by leading scholars from Australia, Hong Kong, Singapore, Malaysia, and Canada. Students who are selected to take part in this summer programme would have an option to take up to two elective law courses on contemporary and comparative law issues. During the 2010 summer, for instance, students had an option to choose from the following



With the dean of University of Malaya and Dr Normann of Monash University

courses: International Perspectives of Tort Law; Corporations Law; Comparative Remedies; Biotechnology and the Law; The Constitutional Systems of Malaysia and Singapore; and Issues in Medical Ethics and Law.

EXPANDING HORIZONS OF LEGAL PLACEMENT

by Ms Sara Tsui

The establishment of the Professional Career Service of the School of Law (PCSSL) in December 2009 by Ms Sushma Sharma, Ms Sara Tsui, Dr John KS Ho and a few LLB/JD students has proved a turning point in providing career counselling and expanding internship opportunities for law students. The PCSSL has organized several career talks and sessions on interview preparation.

The credit-bearing legal placement programme, which was first introduced in September 2006 was primarily limited to internship opportunities in mainland China and Hong Kong. However, from this year, several international firms — such as Baker & McKenzie, Clifford Chance (Hong Kong), Skadden, Arps, Slate, Meagher & Flom (Hong Kong), Mallesons Stephen Jaques (Hong Kong), Hogan

Lovells (Hong Kong), Freshfields Bruckhaus Deringer LLP (Hong Kong), Davis Polk, and Barlow Lyde & Gilber (Hong Kong) — have opened their doors to take our interns. A further diversity to legal placement is added by NGOs such as China Labour Bulletin and publishing companies like LexisNexis taking our law students as interns.

In order to enhance flexibility, the School of Law has now also started giving students an option to find their own internship providers and/or participate in the legal placement programme on a part-time basis.

INTRA-CITYU MOOT COMPETITIONS

by Intra-CityU (SLW) Moot Committee (Leung Yuen Quan, Malisa, Ma Ching Kong and Yeung Pui Ying, Ada)

The academic year 2009/10 was an exciting and eventful one for the Intra-CityU Moot Competitions. After the success of the Criminal and Tort Law Moots in Semester A, a Contract Law Moot was organised from 3 to 11 March 2010.

The Contract Law Moot was unique because for the first time LLB and JD students from all years of study competed together. As the scope expanded, the rules and structure of the competition were also advanced. Participants had to compete in a General Round, Quarter-finals, Semi-Finals and the Final Round.



Workshops were held for beginners to learn the basics of mooting while second-timers also benefited from discussions on common mistakes observed in previous competitions. To offer a more holistic training, students who represented CityU in international moot competitions were invited to be the General Round Judges. Participants benefited greatly from the legal expertise of faculty



members as well as the experience and skills of international mooters.

We were delighted to have Professor Ingeborg Schwenzer, who is the leading authority on the Convention on International Sale of Goods (CISG), as one of the judges in the Final Round. Judges noted that the quality of performance enhanced with every moot. The high standard was reflected in both the students' written work and oral efforts.

As the work of the Committee has expanded, the Committee is also looking to grow. The founding members, Ada Yeung and Alex Ma, were joined by Malisa Leung is joined by Keith Tam in 2010. Together, the Committee will continue to bring students more challenging and rewarding moot experiences.

The First Year Intra-CityU Moot Competition for 2010-11 was successfully concluded on 18 November 2010. Focusing on the Contract Law problem, the competition provided a platform for students to apply their legal knowledge into practical use and to develop the skills of a lawyer. It also nurtured a moot culture among the students which is conducive to the development of advocacy in addition to classroom teaching. The champion team was Bettina Wong and Sin Long; and the runner-up team was Jacky Fung and Nathan Ma.

Mr Rajesh Sharma, the Moot Director and the judge of the Intra-Moot Competition, noted "All participants have demonstrated an exceptional high standard in the competition and I am very proud to say that you are the talented students and much capable to take part in international moots. The winners of the Intra-moot may also



be provided opportunities to work for international law firms during summer time".

ALUMNI ASSOCIATION—SHARING WITH CURRENT LAW STUDENTS

by Jacky Yeung LLB (1999), PCLL (2000)

It was a wonderful evening for five of us who graduated quite some time ago to be back to the campus to meet over thirty law students from LLB, LLM, PCLL and JD and share with them our experience in the legal profession.

On 5 March 2010, Ms Teresa Liu, Ms Minnie Wat, Mr Jeffrey Tam, Mr Eric Cheung and I met the students at the Career Talk organized by the law alumni association (officially, The Alumni Association of School of Law of City University of Hong Kong) and the School of Law. It was our pleasure to have Ms Alisa Kwan, Teaching Fellow, joining us that evening.

The talk started at 7.00pm. After a brief introduction of the alumni association, the speakers shared with the students their experience as well as the joy and tears in the legal profession and as in-house counsel. Having a wide spectrum of experience among

the speakers, the talk offered an extensive and practical coverage, including the daily practice of solicitors and barristers in the junior and intermediate level, as well as in-house counsel in the public and private sectors.

The students were very enthusiastic about the topics and posed quite a few questions. The speakers of course unreservedly answered each of them. Joyful time always flies quickly. While the talk was scheduled for one and a half hour, it officially finished at 8.45pm, though the discussion between the participants continued until 9.20pm. The talk was well received by the audience.

The Association would like to take this opportunity to specially thank the speakers who used their valuable personal time on the talk. Without their help, it would not have been as successful and popular as it was.

PRIZES

BLOOMSBURY BOOKS PRIZE FOR 2009/2010

by Jack Burke

The Law Society of Hong Kong hosted its annual awarding of the Bloomsbury Books Prize for 2009/2010 in its Council Chambers on 28 April 2010. The award allows the recipients to purchase legal texts and practice manuals at Bloomsbury Book store and provides an extremely valuable kick start to their library at this early stage of their career. The prize, which is awarded to those who have performed with merit in all respects throughout their legal studies, was bestowed by Mr. Ken Ng, Deputy General Manager of Bloomsbury Books Limited to four of the 2010 current PCLL students: Ching Ming Chi Melody, Leung Cheuk Bun Alex, Pang Kit Lai Juno, and Yip Tik Bun Micky.

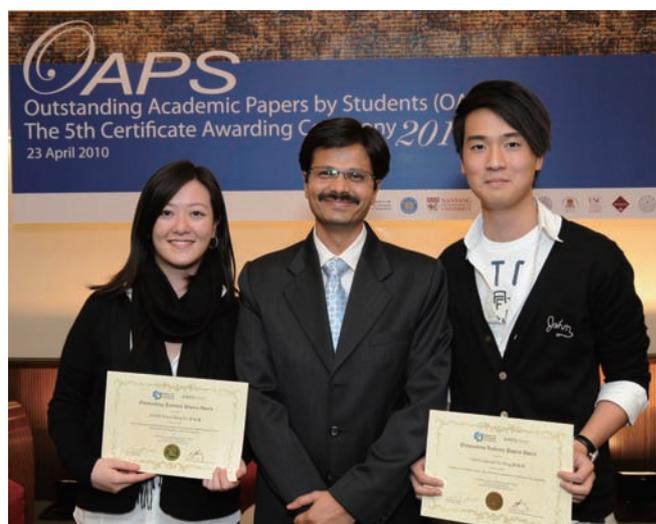
Mr Huen Wong, President of the Law Society of Hong Kong, gave a very inspiring speech. He spoke about the importance of the role of a well-maintained library in keeping practitioners apprised of important legal changes and grasping the opportunity to contribute to development of the profession as a whole through participation as Law Society Committee members. The evening was a very delightful occasion for all concerned and provided a very memorable moment at the start of the professional journeys of these students of whom we are so rightfully proud in the PCLL.



OUTSTANDING ACADEMIC PAPERS BY STUDENTS (OAPS)

Every year the CityU Library selects outstanding papers written by students. A certificate presentation ceremony was held on 23 April 2010. Three papers of the School's students have been accepted by the University Library into their OAPS Collection. The papers are:

- (1) "Short Selling in the United States and Hong Kong before the Global Financial Crisis: the Concept, the Regulation and its Comparison" — *Ms Mark Wing Yee Renee (JD)*
- (2) "Methods to Extend the Scope of an Arbitration Agreement to Third Party Non-Signatories" — *Mr Tang Ho Ming Edward (JD)*
- (3) "The Revival of the Tort of Misfeasance in Public Office – A Comparative Study from a Hong Kong Perspective" — *Mr So Wing Winky (LLB)*



LLB ADMISSION SCHOLARSHIP

The CityU School of Law held the Award Presentation Ceremony of LLB Admission Scholarship (Admission Scholarship) on 21 October 2010 to present its third admission scholarships targeting undergraduates admitted through the Joint University Programmes Admission System (JUPAS). These scholarships demonstrate the School's commitment to cultivating law students.

The Admission Scholarship was established in 2008 to reward outstanding students of secondary schools who are nominated by their school principal and admitted to LLB programme of CityU School of Law through the Joint University Programmes Admissions system (JUPAS). Recipients of the Admission Scholarship are awarded HKD50,000 each.

This year there are 12 recipients of different secondary schools. They are (1) Frankie Chan of St Louis School, (2) Kevin Chan of Wah Yan College Hong Kong, (3) Anna Cheung of St Mark's School, (4) Matthew Hui of La Salle College, (5) Taylor Li of Po Leung Kuk Tang Yuk Tien College, (6) Lawrence Li of Cheung Chuk Shan College, (7) Ma Ming-chun of Shun Lee Catholic Secondary School, (8) Happy Mak of Po Leung Kuk Centenary Li Shiu Chung Memorial College, (9) Anna Poon of Hang Seng School of Commerce, (10) Candy Sung of True Light Girls' College, (11) Bettina Wang of Carmel Secondary School and (12) Yung Ron of Diocesan Boys' School.

Each recipient did not only achieve outstandingly in his/her Hong Kong Advanced Level (HKAL) examination results, but also

participated in various extra-curricular activities to enhance his/her academic knowledge and cognitive and social skills which are equally essential for law students. Among the 12 recipients, 4 of them were also awarded the HKD40,000 CityU A+++ Scholarship.



Professor Way Kuo, "it is a delight to see that the CityU Law School is in partnership with so many high schools."



Professor Arthur Ellis, "CityU is delighted and excited to have the bright students. We take this opportunity to honour the achievement of our students. We are grateful for the support of their parents and secondary schools."



Professor Wang Guiguo, "It takes 10 years to grow a tree; but it takes 100 years to nurture a person. Secondary education is most important for anyone's life of education."



Brother Steve Hogan of La Salle College, was “honour and pride” to support his former student, Matthew Hui, and he was glad that the School of Law and his College shared the same vision and philosophy in education on globalisation.



Father Peter Ng of St Louis School stated his hope for law students to be “honest, responsible and professional.”



Ms Brenda Mau of St Mark’s School, said “sound language training is important in education for which helped the students to face future “challenges, victories as well as defeats.”



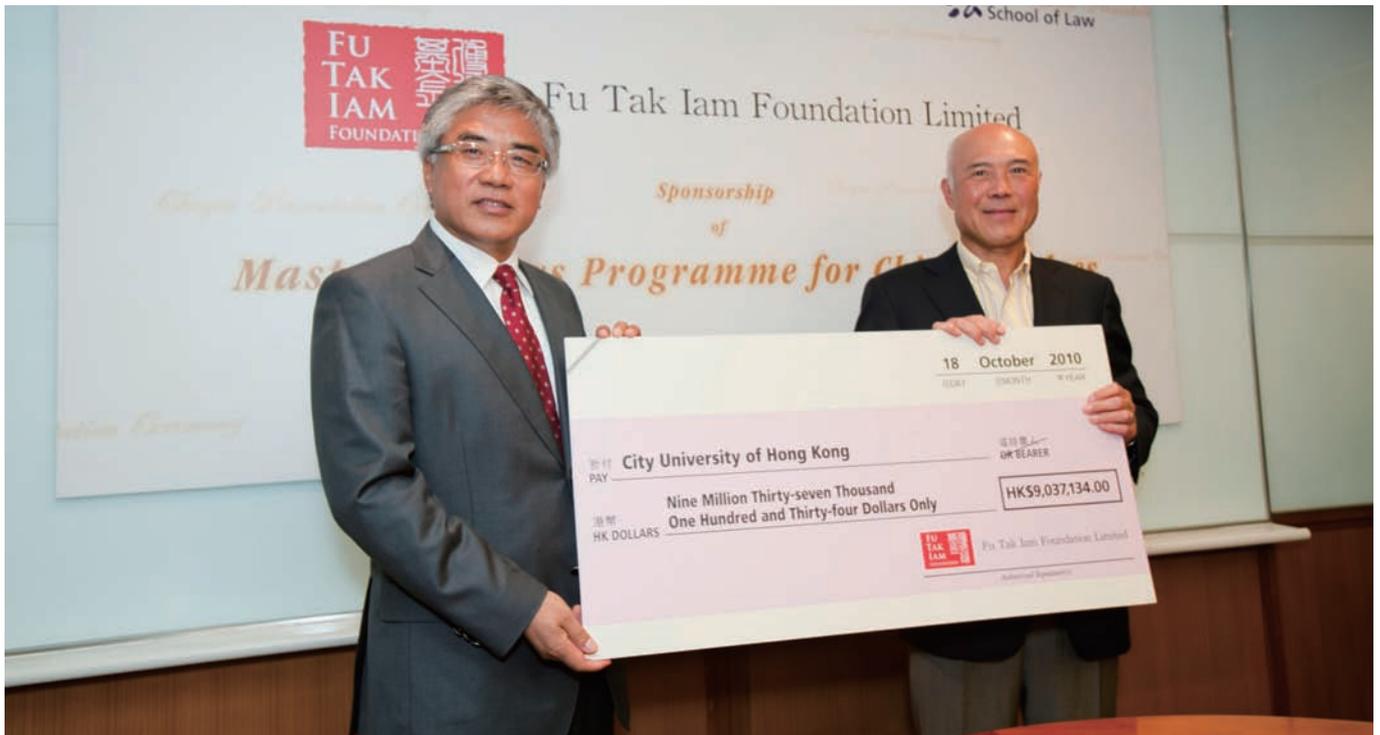
Mr Yuen Tze Lam of Cheung Chuk Shan College, “treasure the opportunity to study in School of Law as the best legal education provider which is also “a springboard for a bright future.”



Mr George Tam, member of International Advisory Board of School of Law, as well as principal of Wah Yan College Hong Kong, was “pleased to see good and bright students to have chosen the School of Law, ... the recipients should go back to their alma maters and share the happy and fruitful life they had had at the CityU Law School with their younger fellows.”



DONATIONS



The School of Law received 2 generous donations. It received more than HKD9 million from the Fu Tak Iam Foundation Ltd on 18 October 2010 to support the Master of Laws Programme (LLM) for Chinese judges provided by the School in 2010 and 2011. It also received HKD500,000 from the K H Koo Charitable Foundation on 2 November 2010 to support maritime and transportation law courses.

The donations recognized pioneering effort on two fronts. We are the first Law School to collaborate with the National Judges’ College of Supreme People’s Court of China to run a LLM programme for the Chinese judges. This is the third year of this LLM programme. The third batch of 30 Chinese judge students arrived at CityU in January 2011.



In view of the challenges posed by globalization, we set up The Hong Kong Centre for Maritime and Transportation Law to strengthen legal education and research in maritime, aviation and other areas of transportation law. The Centre, which was set up in March 2010, aims to support Hong Kong as a maritime service centre and to consolidate its position as an international transportation hub. We are entrusted with the task of nurturing maritime and transportation legal professionals for this purpose.

We introduced an LLM in Maritime and Transportation Law in September 2010. Some of the Chinese judges in our LLM programme man maritime courts in mainland China. They provide very useful insights to the application of maritime law in China. And, other students in the Maritime LLM course immensely benefit from this. Our LLM programme in maritime law has attracted invitations for future academic exchanges from a well-known American university specializing in maritime law. We are confident that our programme will support the industry by producing well qualified professionals.

Nadja ALEXANDER

"Exporting Mediation through Role Plays: Intercultural Considerations in Knowledge Transfer" co-authored with M Le Baron, in D Busch, C-H Mayer and CM Boness (eds), *International and Regional Perspectives on Cross-cultural Mediation*, Frankfurt am Main: Peter Lang Publishing, 2009, pp 151–168.

"Negotiation and Mediation in 3D: completing the models" (co-authored with J Howieson), *ADR Bulletin*, November 2009.

"Reflecting on Negotiation Strategy: Introducing the Negotiation Navigation Map" (co-authored with J Howieson), *ADR Bulletin*, December 2009.

Hong Kong Mediation: Process Practice Perspectives, Lexis Nexis, Hong Kong, 2010.

"Writing the Hong Kong Mediation Story", *Asian DR*, 2010, pp 81–84.

"Mediation and the Myth of Universality", 20 (2009) *Erwaegen Wissen Ethik: Streitforum fuer Erwaegungskultur*, September 2010, pp 512–513.

CHEN Lei

"The Historical Development of the Civil Law Tradition in China: A Private Law Perspective", *The Legal History Review*, Vol. 78, 2010, pp 159–181.

Surya DEVA

Access to Justice: Human Rights Abuses Involving Corporations—Peoples' Republic of China, *International Commission of Jurists*, Geneva, 2010, pp vi + 91.

"The State of Affirmative Action amidst Privatisation: Some Critical Reflections" in Swati Deva (ed.), *Law and (In)equalities: Contemporary Perspectives*, 2010, pp 2–51.

"Rule of Law in India: An Overview" in Matthias Koetter & Gunnar Folke Schuppert, *Understandings of the Rule of Law in Various Legal Orders of the World*, Freie University Berlin, 2010, pp 1–9.

HO Kong Shan

"Director's Duty to Promote the Success of the Company": Should Hong Kong implement a similar provision?", *Journal of Corporate Law Studies*, Vol. 10, Part 1, April 2010, pp 17–33.

Jojo MO

"Media Shifting in Hong Kong—A justifiable Exemption", *Entertainment Law Review*, Vol. 20, Issue 6, 2009, pp 222–225.

"Justification of a Disclosure Order: Shi Tao v Privacy Commissioner for Personal Data", *Entertainment Law Review*, Vol. 20, Issue 7, 2009, pp 270–272.

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