

SCHOOL OF LAW

Newsletter

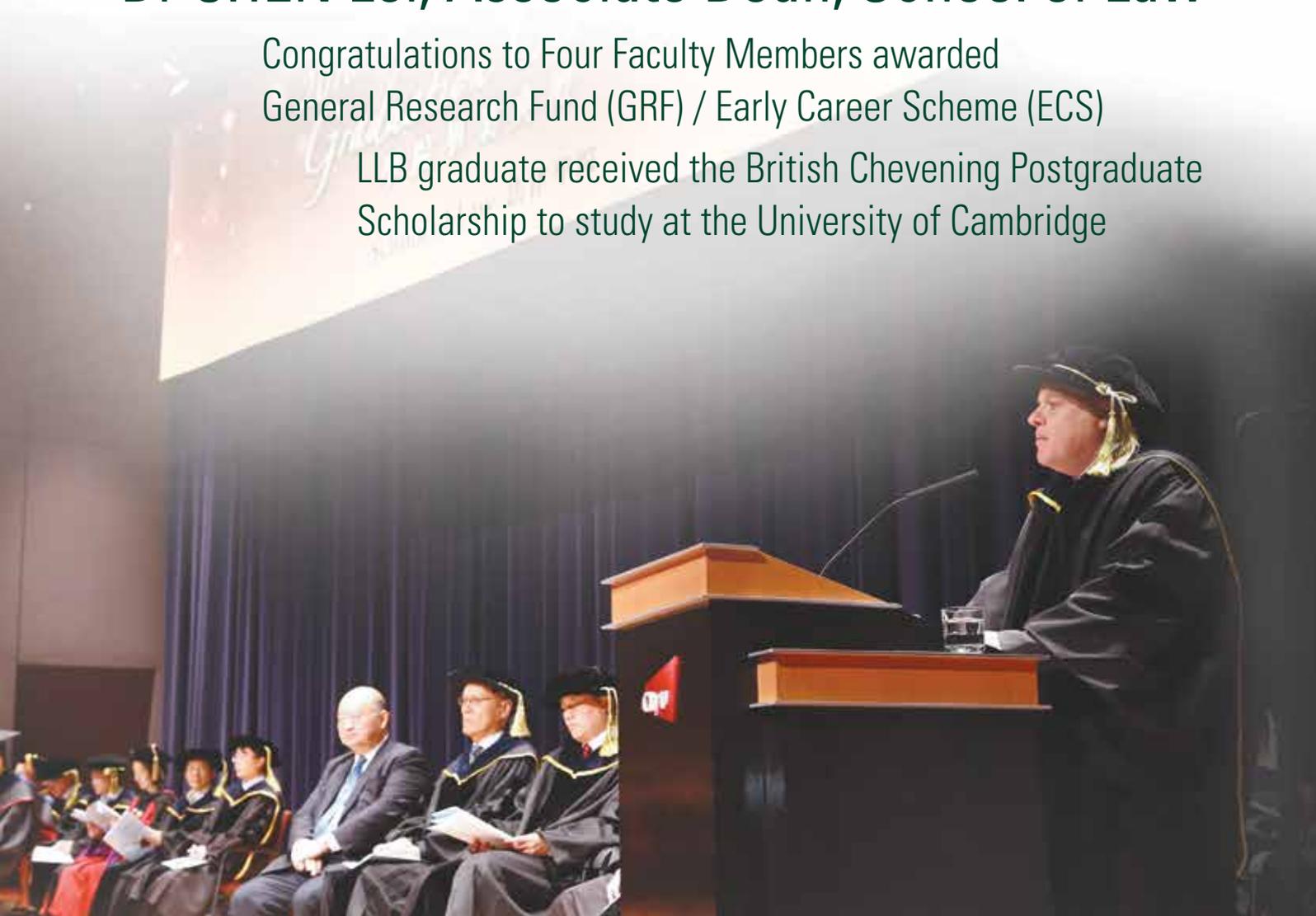
VOLUME 11 NO.1 • MAY 2017

Interviewing

Dr CHEN Lei, Associate Dean, School of Law

Congratulations to Four Faculty Members awarded
General Research Fund (GRF) / Early Career Scheme (ECS)

LLB graduate received the British Chevening Postgraduate
Scholarship to study at the University of Cambridge



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CONTENT

VOLUME 11 No. 1 · MAY 2017

1 MESSAGE FROM DEAN

2 FOCUS OF THE ISSUE

3 SCHOOL EVENTS

4 VIEWPOINTS

5 STUDENT ACTIVITIES

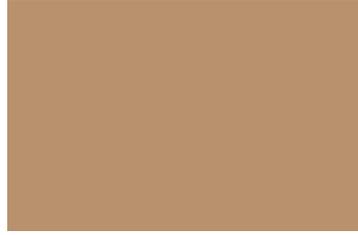
6 STUDENT SHARING

7 STUDENT ACHIEVEMENTS

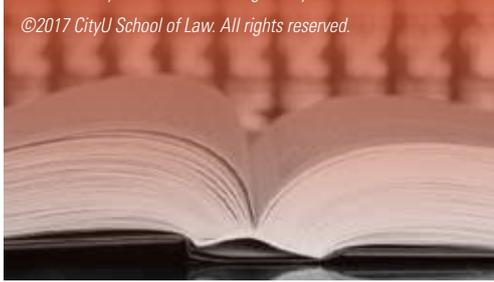
8 SCHOOL INITIATIVE

9 RESEARCH CENTRES

10 STAFF ACHIEVEMENTS



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MESSAGE FROM DEAN

The CityU School of Law aspires to place itself at the cutting edge of legal pedagogy and scholarship. As an initiative to deepen our research culture, we organized a Research Retreat in October 2016. Our academic staff presented their research proposals/draft papers at the retreat and invited comments from colleagues. The retreat aimed at mobilizing staff to share the progress of their research and get feedback from the discussion so as to further improve the quality of their research.

The School of Law also fared well in the 2016-17 funding exercise of the General Research Fund (GRF) and Early Career Scheme (ECS); four of our faculty members obtained research grants. The four principal investigators of the successful grants are Dr Ding Chunyan, Dr Andra Le Roux-Kemp, Dr Rebecca Ong, and Dr Zhao Liang. We take great pride in the submission of high quality GRF/ECS proposals in various areas of legal and multi-disciplinary research.

At the same time, to expand our connections with legal scholars around the globe, we have also organized a wide range of seminars and conferences, namely the 21st Goff Arbitration Lecture, the 4th Cross-Strait Four-Region Forum on Health Law and Bioethics, the Conference on Judicial Reform in China, and the Conference on Consumer Protection in Asia. At the 21st Goff Arbitration Lecture, the School of Law was honoured to have the Hon Justice Robert French AC, Chief Justice of Australia to give a lecture titled "Arbitration – Private and Public Interest Dimensions".

The School of Law is keen to build links with strong universities from different jurisdictions. In this issue, Dr Chen Lei, our Associate Dean, was invited to outline the School of Law's present links with other law schools and the School's future plan. In terms of recent collaborations, we have signed student exchange/joint degree programme agreements with a number of prestigious law schools in both the common law world and civil law jurisdictions. As one of Asia's most dynamic law schools, we will continue to seek more in-depth cooperation with partner universities, explore new partnerships and develop diversified learning opportunities for students.

Like in the past issues, students from different programmes have been invited to contribute to the Newsletter. I am sure you will find their sharing interesting, reflecting a whole spectrum of experience and insights. We also include the story of our LLB graduate, Jeffrey Lee Kwun Lun, who won the prestigious British Chevening Postgraduate Scholarship for his LLM studies at the University of Cambridge, and our PCLL student, Flora Lam Hiu Ting, who was the first recipient of

the Sir Oswald Cheung Memorial Fund PCLL Scholarship.

As for our moot achievements, the CityU team won the championship in the Susan J Ferrell Intercultural Human Rights Moot Court Competition in January 2016. We also bagged the Best Memorial Award and the Best Oralist in the competition. In the Vis (East) moot held at CityU in March 2016, we came away with the Honourable Mention for Eric Bergsten Award Best Claimant Memoranda and the Fali Nariman Award Best Respondent Memoranda. The team then moved to Budapest, where it won the championship, and finally to the Vis Moot in Vienna and won the Honourable Mention for the Werner Melis Award Best Respondent Memoranda. In February 2017, our CityU team scooped the first runners-up, Best Respondent Memorial and Best Overall Memorials in the HK Regional Round, Philip C. Jessup International Law Moot Court Competition.

I am also pleased to bring you the good news that recently our students preformed magnificently in the Lachs moot. They made it through to the grand final but were narrowly defeated. They returned with the trophy for runner up and the award for the second best memorial in the competition. This follows fast on our Vis team making it through to the knock out stage in Vienna. I am so proud of our students and grateful to the coaches who worked so hard with them.

We are about to have a year of celebration commemorating 30 years since Law was introduced to CityU. We hope you will join in our events and especially the Gala Dinner planned for early March 2018.

I hope you will enjoy reading this issue and learn more about us through doing so. As always, I welcome your suggestions at ghowells@cityu.edu.hk.



Professor Geraint Howells
*Dean and Chair Professor of Commercial Law
 School of Law
 City University of Hong Kong*

INTERVIEWING DR CHEN LEI, ASSOCIATE DEAN, SCHOOL OF LAW

Dr Chen Lei, the Associate Dean of School of Law, has received an interview about the School's external relations.

Q: How should we contextualize internationalization agendas at City University of Hong Kong Law School?

C: City University of Hong Kong Law School is committed to the diversity of our academic, educational, and public activities. CityU Law School is enjoying a time of unprecedented growth and innovation, while simultaneously facing the many challenges of legal academia in research, education, and social involvement.

The Law School, through its stunning and thick network of leading law schools globally, plans on offering joint degree programs, a summer school, co-teaching of courses, creation of databases, and collaboration in research among faculty from the partnership law schools. Internationalization relates to every corner of school life, including research and teaching.

On the academic research front, we are delighted to host a series of academic conferences, gaining international exposures and garnering attention from our potential research partners. As for our curriculum, the Law School offers its students a rich selection of degree programmes, characterized by academic innovation and interdisciplinary perspectives. Mooting is a unique academic experience which combines the theoretical with the practical. The Mooting course culminates with a mock trial held at the Law School campus before a panel of judges. The Judge Panel usually includes a member of the Hong Kong Judiciary, a prominent scholar and a leading lawyer. We are also very proud of our international internship programme and legal placement opportunities in mainland Chinese courts for our students. We aim to make the student population more diverse and international, and to recruit more high-quality PhD students from other regions of the world. In the ever-shrinking world of legal service, equipping our students with more international law knowledge and experience will definitely enhance their marketability and employability.

Q: Can you update us on the progress of collaboration with other law schools and universities?

C: We have been active in developing links with outstanding universities in China, Singapore, US, UK and Australia. While a strong foundation has been built, we continue to strengthen our efforts in forging a partnership 2.0. Since 2015, ten student exchange/joint degree programme agreements with law schools in both common law world and civil law jurisdictions have been signed. The new partner institutions are law schools in Tsinghua

University, Sun Yat-sen University in China; Emory University and Fordham University in US; National University of Taiwan and National Chengchi University in Taiwan; and University of Leeds in UK, Singapore Management University, Fribourg University in Switzerland and University College Dublin in Ireland.

Steps to reinforce the G-LEAP collaboration have been taken. On the basis of our strong links with University College, Oxford and Monash University in Australia, we continue to explore the opportunity to expand G-LEAP agreements with other leading universities.

Apart from G-LEAP, we collaborate with the University of Münster, Germany and our students will go to the University of Münster and conduct an independent research project on a particular law subject. We continue the collaboration with East China University of Political Science and Law (ECUPL) on the visiting LLB student programme. It is worth noting that we have created a joint LLB + JD degree programme with Sun Yat-sen University.

We will build on this success and continue to develop diversified learning opportunities through in-depth international engagement.

Q: What are your future plans to strengthen the School's external links?

C: Our future plans include:

- to establish double JD degree programmes with Australian National University and Emory University;
- to develop student exchange agreements with University of Calgary in Canada, Maastricht University in the Netherlands, University of Bergen in Norway, National University of Singapore, Stellenbosch University, and University of Cape Town in South Africa;
- to explore the possibility of co-organizing a summer school together with our partner universities; and
- to proactively approach some markets for our JD and PhD student recruitment.



CONGRATULATIONS TO FOUR FACULTY MEMBERS AWARDED GENERAL RESEARCH FUND (GRF) / EARLY CAREER SCHEME (ECS)

The RGC has recently announced the results of the 2016-17 funding exercise of the General Research Fund (GRF) and Early Career Scheme (ECS). The School of Law continued to succeed in developing a strong research culture and obtain four law research grants in various areas of legal and multi-disciplinary research.

The total amount of four funded projects captured by the School of Law this year exceeded HK\$1.7 million. The principal investigators are (in alphabetical order) Dr Ding Chunyan, Dr Andra Le Roux-Kemp, Dr Rebecca Ong, and Dr Zhao Liang. Competition is

fierce and their hard work has paid off. We gladly congratulate them on their remarkable achievements, and look forward to their research producing outstanding outputs. Those applications rated fundable would also be sponsored by internal grants.

The School of Law would also like to thank those colleagues who did not succeed in this round. They have made considerable efforts in submitting high quality proposals. Their work is rarely wasted as it can become groundwork for another bid or research project.

Details of the four funded grants are as follows:



The project title of Dr Ding Chunyan is "Lifting the Veil of Mental Suffering Awards in Medical Negligence Cases in China", and she was granted \$366,880 for the project.



Dr Andra Le Roux-Kemp's project is titled "Remorse: A Trans-disciplinary and Mixed-method Study on the Recognition of Remorse as a Mitigating Factor in Sentencing" and the fund granted amounts to \$465,464.



Dr Rebecca Ong's project titled "Enhancing Corporate and Organizational Information Security Practices with a Framework for Data Breach Notification" is a collaboration with Prof Eric CHUI Wing Hong (CityU) and Dr Sandy SABAPATHY (University of Nottingham). She secured the amount of \$559,920 for the project.



Dr Zhao Liang obtained a funding of \$329,000 for his project named "Protection of Chinese FOB Sellers under the Chinese Maritime Code 1992: Has it Achieved in Judicial Practice?"



Public Lecture on “President Trump and the Future of Immigration in the United States”

As a nation of immigrants, US immigration policy attracts considerable public attention. Since Trump’s administration took office, he has made a series of sweeping changes on immigration and his new immigration policy has provoked wide-spread criticism.

On 10 March 2017, the School of Law of City University of Hong Kong was honoured to have **Professor Robert Schapiro**, Dean of Emory University School of Law, to deliver a public lecture on a contemporary topic “President Trump and the Future of Immigration in the United States”.

“Two thirds of people who are in the United States illegally have been there for ten years or more, which makes the policy issues dealing immigration quite complex,” Professor Schapiro pointed out at the beginning of his presentation. Sketching immigration in the United States and the background of immigration law, Professor Schapiro emphasized controversial issues over immigration policy in the United States, including President Barack Obama’s “Deferred Action” programme, and the latest “Executive Order” and “New Executive Order” issued by President Donald Trump.



Professor Schapiro also shed light on key legal issues that will define immigration policy in the United States, including the scope of the President’s powers to target specific countries for special treatment in the immigration area and to permit the continued residence of certain people who are in the country illegally, the authority of courts to review Presidential action in the immigration area, and the role of states, such as Washington and Virginia, in challenging the Trump administration’s immigration policies.

More than 60 scholars, legal practitioners and students attended the lecture. After Professor Schapiro’s lecture, participants asked questions actively, which led to vivid interaction. At last, on behalf of the CityU Law School, Professor Geraint Howells presented the souvenir to the speaker in thanking him for his insightful and inspiring speech.

Conference on “Research in Private and Market Law – Challenges for the 21st Century”

The School of Law held a 3-day Conference on Research in Private and Market Law during 23-25 February 2017.

The Conference took various forms of discussion, including a staff seminar, several small group discussions and research sharing to serve different purposes.

With the paper focusing on the question whether traditional doctrines of legal liability can still cope with damages caused by intelligent systems or whether new rules are needed, **Dr Martin Ebers** shared his research on the Staff Seminar on the Liability for Artificial Intelligence: The Case of Self-Driving Cars.

The Staff Seminar was followed by a parallel discussion session by editors of two publications, namely the European Review of Private Law and the European Consumer and Market Law. The two sessions were chaired respectively by **Dr André Janssen** and **Dr Mateja Durovic**.

The opening remarks by **Professor Geraint Howells**, Dean of School of Law, City University of Hong Kong commenced the research sharing on 24 Feb. During his remarks, Professor Howells shared the full spectrum of the recent developments of the School of Law with European scholars, mentioning the upcoming 30th Anniversary, SLW’s great staff and students, the growing alumni base and strong connections with the lawyers in the Mainland.

The Conference coordinators also took this opportunity to invite several European and Asian scholars of School of Law, CityU to share their research on commercial law, including **Professor Geraint Howells**, **Professor Alexander Loke**, **Dr Chen Lei** and **Dr Ding Chunyan**. Their sharing triggered heated discussion among the scholars present at the conference, and increased the guest speakers’ understanding of issues and recent developments in commercial law in Asia and Europe.

In the afternoon session, each guest speaker was given 15



minutes to demonstrate his/her most recent research. During each of the presentations, from legal theories to concerns on research methods and finally to conclusion, the speaker not only brought us first-hand information on advancement in private law in Europe, but also inspired the audience about new research directions.

On the last day of the Conference, the editors of the two publications held another parallel discussion session to conclude the conference. Guest speakers presenting on the Conference included: **Christoph Busch**, Osnabrück University, Germany; **Walter Cairns**, Manchester Metropolitan University, UK; **Jessy Emaus**, Utrecht University, The Netherlands; **Alberto de Franceschi**, University of Ferrara, Italy; **Jean-Francois Gerkens**, University of Liège, Belgium; **Florence G'sell**, University Paris I, France; **Luzak Joasia**, University of Exeter, UK; **Rolf Jox**, University of Cologne, Germany; **Vanessa Mak**, Tilburg University, The Netherlands; **Kristin Nemeth**, Institut für Zivilrecht der Universität Innsbruck, Austria; **Rupprecht Podszun**, University of Bayreuth, Germany; **Barbara Pozzo**, University of Insubria, Italy; **Harriet Schelhaas**, Rotterdam University, The Netherlands; **Matthias Storme**, Universities of Leuven and Antwerpen, Belgium.

CityU Hosts Conference on “Consumer Protection in Asia - Past, Present and Future”

On 13 and 14 January 2017, the School of Law, City University of Hong Kong hosted a conference on Consumer Protection in Asia at its campus. The conference was co-organized by the School of Law, City University of Hong Kong and Faculty of Law, University of Helsinki.

Around 20 leading commercial law specialists and scholars from Mainland China, Hong Kong, Macau, Japan, Singapore, Australia, India, Vietnam, Thailand, and Malaysia gathered at CityU to share their views on consumer protection law in Asia from different perspectives.

The conference kicked off by the welcome speech of **Professor Geraint Howells** (Dean of the School of Law and Chair Professor of Commercial Law, City University of Hong Kong). Professor Howells introduced the background and the aim of the conference. He also thanked all participants for their support for the conference, especially overseas speakers who traveled a long way to Hong Kong.

The first day of the conference was divided into two sessions. The first session, chaired by **Dr André Janssen** (School of Law, City University of Hong Kong), was focused on national reports. Leading Asian scholars each gave a brief introduction to their consumer law systems with emphasis on case law, practice, reform debates and influences on their law. Invited speakers for this session were **Dr Jing Jin** (School of Law, China Youth University for Political Sciences), **Professor Ashok Patil** (National Law School of India University), **Professor Emeritus Hisakazu Hirose** (Faculty of Law, University of Tokyo), **Professor Dan Wei** (Faculty of law, Macau University), **Dr Mateja Durovic**, **Professor Geraint Howells** and **Dr André Janssen** (School of Law, City University of Hong Kong), **Dr Gary Low** (School of Law, Singapore Management University), **Dr Zalina Zakaria** (Department of Shariah and Law, University of Malaya), **Dr Cuong Van Nguyen** (Institute of Legal Science, Ministry of Justice of Vietnam), and **Dr Aimpaga Techapikum** (Faculty of Law, Thammasat University).

In the second session, which was chaired by **Dr Mateja Durovic**, eight speakers from non-Asian countries, namely **Dr Eileen Webb** (Curtin Law School), **Professor Gail Pearson** (Business School, the University of Sydney), **Professor Luke Nottage** (Sydney Law



School), **Professor James Nehf** (Robert H. McKinney School of Law, Indiana University), **Dr Michel Cannarsa** (Catholic University of Lyon Law School), **Dr Alberto De Franceschi** (University of Ferrara), **Professor Hans-Wolfgang Micklitz** (European University Institute), and **Dr Marta Cantero Gamito** (University of Helsinki), commented on the development of consumer protection law in Asia contrasting with EU, US and Australian perspectives. Topics covered in this session included “Information and right of withdrawal”, “Sale of Goods”, “Unfair Terms”, “Product Liability”, “Product Safety”, “Adaption to Digital Age”, “Unfair Commercial Practices” and “Access to Justice”.

Chaired by **Professor Hans-Wolfgang Micklitz**, the second day of the conference focused on Case Studies in Asian Consumer Protection with the aim being to find out how consumer issues are or are likely to be addressed in practice. Each Asian national reporter presented their report on three case studies, concerning 1) product liability and product safety; 2) consumer products; and 3) telecommunication services, from their national perspective.

The concluding session was chaired by Professor Howells with a focus on global perspectives on Asian Law. Global commentators reflected on Asian consumer law from the perspectives of EU, US, Australia, South America, UN, ASEAN and Africa. **Professor Tjatie Naude** of Department of Private Law, University of Cape Town, joined the concluding session via Skype and shared her views on Asian law from the perspective of Africa.

The whole conference ended with the closing remarks of **Professor Geraint Howells** and **Professor Hans-Wolfgang Micklitz** who thanked all the conference speakers for their contributions to the conference. The conference was fruitful and thought-provoking, and the atmosphere throughout the conference was interactive. The insightful views of all the speakers who are the experts in the field of consumer law made the conference a landmark event for the development of consumer protection in the region. Papers presented at this conference will be published. It is expected that the conference proceedings will definitely be one of the authoritative publications in the field.

CityU Law School Holds 2016 Graduation Ceremony

On the evening of 12 December 2016, the School of Law of City University of Hong Kong held the School Graduation Ceremony in Wong Cheung Lo Hui Yuet Hall in the Lau Ming Wai Academic Building. The **Honourable Chief Justice Geoffrey Ma Tao-li**, GBM, Chief Justice of the Court of Final Appeal; **Professor Geraint Howells**, Dean of the CityU Law School and the graduate representative **Ms Phoebe Cheng Hei-lam** gave addresses. **Mr Wally Yeung Chun-kuen**, Vice-President of the Court of Appeal and Senior Counsel **Mr Hectar Pun Hei** also attended



the Ceremony. Around 600 guests comprising faculty members and graduates from Bachelor of Laws (Honours), Postgraduate Certificate in Laws, Juris Doctor, Master of Laws in Arbitration and Dispute Resolution, Master of Laws, Doctor of Juridical Science and Doctor of Philosophy programmes, along with their parents, relatives and friends participated and witnessed this solemn moment.

“The study of law is a discipline that is at the same time rich in philosophical undertones and also in practicalities,” said Chief Justice Ma in his speech. “Reason as the basis of law connects the philosophical foundations of law to its practical application and this connection takes us into present day Hong Kong.” He explained that courts and judges make important decisions everyday and all the judgments should be fully reasoned so that the community can see that the law, the legal principles and the spirit of the law have been followed. He emphasised the importance of the law to the people of Hong Kong and his hope that the graduates truly understand the rule of law and do their best to uphold it.

Professor Howells congratulated the graduates and thanked the faculty of the Law School, who guided students throughout their legal education. He also thanked their families and friends for their endless love and support. “You are graduating today and you are graduating at the right time. It is a time witnessing great global and local changes, challenges, and opportunities.” Professor Howells encouraged graduates to critically reflect on what they have learnt at the School, to explore new knowledge and to meet challenges head on.

Graduate representative, Ms Phoebe Cheng Hei-lam, expressed her gratitude to the teachers, fellow graduates and their parents for their support and help. She said to the fellow graduates: “Graduation is not an end; it is just the beginning of our journey. We’ve already taken the first step by making it to the ceremony today – now, it’s time for us to take the next steps in our lives and begin building our future.”

Participants reminisced their time together while enjoying a wide variety of refreshments. It was indeed an enjoyable and memorable evening, which marked the 2016 CityU Law graduates’ new journey. Our heartiest congratulations, again, to all graduates. The School wishes you a bright future!

Ceremony of 2016-17 Admission Scholarships, Outstanding Performance in Mooting Competitions and Extra-curricular Achievement Awards

CityU School of Law held the Ceremony of 2016-17 Admission Scholarships, Outstanding Performance in Mooting Competitions and Extra-curricular Achievement Awards on 20 October 2016. The Ceremony was well attended by award recipients, their family members, guests, coaches of mooting competitions, senior management of the University and faculty members. The recipients expressed their appreciation of the scholarships and awards and regarded them as great encouragement and support from the School.

Dean Professor Geraint Howells delivered the welcome remarks, congratulating all the awardees and thanking their school principals, families and teachers for the support and guidance along the way.

Two students (one LLB student and one JD student) were awarded the 2016-17 Admission Scholarships, which were presented to them by Professor Paul Lam, Chief-of-Staff (Vice-President).

The School's mooting team achieved outstanding performance in different mooting competitions in 2015-16, including:

- The 2016 Philip C. Jessup International Law Moot Court Competition Hong Kong Regional Round held on 20 February 2016
- Best Respondent Memorial in the Hong Kong Regional Round
- The Vis (East) Pre-Moot Hong Kong and the 13th Annual Willem C. Vis (East) International Commercial Arbitration Moot held in Hong Kong from 6 to 13 March 2016
- Honorable Mention for Eric Bergsten Award Best Claimant Memoranda
- Honorable Mention for Fali Nariman Award Best Respondent Memoranda

- The team ranked 10th out of 115 teams after General Rounds
- The team was the 8th Finalist for the David Hunter Award for Prevailing Team in Oral Arguments
- One of the team members won the Honorable Mention (Neil Kaplan Award for Best Oralists)
- In the Vis (East) Pre-Moot Hong Kong, one of the team members won the best speaker award
- The 6th Annual Budapest Pre-Moot and the 23rd Annual Willem C. Vis International Commercial Arbitration Moot held in Budapest from 14 to 17 March 2016
- Championship (out of 52 teams) in the 6th Annual Budapest Pre-Moot for the 23rd Annual Willem C. Vis International Commercial Arbitration Moot
- Honorable Mention for Werner Melis Award Best Memorandum for Respondent in the 23rd Annual Willem C. Vis International Commercial Arbitration Moot in Vienna
- The International ADR Mooting Competition 2016 held in Hong Kong from 5 to 9 July 2016
- Quarter-finalist

The School's mooting team attained impressive achievements in these competitions due to the great effort of the students and the training and encouragement of their coaches. The School appreciates all their hard work and contribution.

The School was honoured to have the presence of the Principal of La Salle College, Mr Tong Wun Sing, who delivered a speech to show support and share the joy of one of the College's alumni, Tong Joshua Yingho. Joshua was the winner of the Best Respondent Memorial in the Hong Kong Regional Round of 2016 Philip C. Jessup International Law Moot Court Competition in February 2016.



Dr Mark Kielsingard, Director of Mooting, shared with the audience the sacrifices mooting students had to make, including working for long hours and spending little time with their family and friends, in order to prepare well for the competitions.

Mr Jack Burke, Senior Teaching Fellow introduced the goal of Extra-curricular Achievement Awards — to acknowledge students' outstanding achievements in various extra-curricular activities, including intra-varsity sporting competitions, community-based activities and service to the School of Law. In addition, two of the awardees shared their experience with the audience of how their personal development benefitted from participation in extra-curricular activities.

School of Law Research Retreat



The first School of Law Research Retreat was held on 6 October 2016 at Royal Plaza Hotel. It was a good start to mobilize staff to share their research working progress and get feedback from the discussion.

The event kicked off with a presentation by **Professor He Xin** on Writing Methodology for research proposals. He gave a brief introduction of GRF and ECS and the criteria for getting the grants. He also shared his experience of applying for external grants. GRF and ECS are two schemes provided by the Research Grants Council (RGC) to provide resources to scholars for research. Getting external grants is not only for one's academic reputation, but also provides one with the potential to contribute to the field. Professor He highlighted the composition of the proposal vetting panel in RGC. He also went through the important elements to get grants successfully, including clear justification of methodologies, collaborators and significance of the research topic to the field etc.

The session was followed by sharing from academics on what they were currently working on or nearly finished. These include **Dr Daniel Pascoe** on empirical and comparative approaches to clemency; **Dr Julia Tomassetti** on platform work, algorithms, and contract; **Dr Surya Deva** on a paper: 'What if the Roadblock Continues': Alternative Ways to Getting a Business and Human Rights Treaty; **Dr Mateja Durovic** on commercial law; **Dr Jojo Mo**

on privacy law and **Dr Peter Chan** on empirical and proceduralist assessment of civil justice systems.

The day ended with closing remarks from **Dean Professor Geraint Howells**. He thanked all the participants for attending this retreat and appreciated the efforts of presenting staff and the constructive comments which were given by colleagues. He hoped that this atmosphere could be carried on at CityU School of Law and to the staff seminars, so that the school would grow more vibrant. CityU School of Law has been the most successful law school in getting GRF/ECS grants in the past few years; therefore, he looked forward to quality applications in the coming cycle.

CityU Hosts Symposium on Data Protection Law

World-renowned experts on data protection law shared their knowledge and insights into data protection law development and shed light on the challenges brought by technology innovation at a symposium conducted by City University of Hong Kong on 9 September 2016.

The Symposium entitled "Data Protection Law Development in the Information Age" was co-organized by School of Law, City University of Hong Kong and the Privacy Commissioner for Personal Data (PCPD), Hong Kong. This one-day Symposium aims to promote exchange in the region. The event is also for celebrating the 20th anniversary of PCPD.

Mr Stephen Kai-yi Wong of PCPD; **Professor Way Kuo**, President and University Distinguished Professor, City University of Hong Kong; **Mr Ronald Chan**, Under Secretary for Constitutional and Mainland Affairs; and **Professor Geraint Howells**, Dean, School of Law, City University of Hong Kong, attended the symposium and gave opening speeches.

Mr Stephen Wong pointed out the risk of data being unlawfully collected, retained, processed and used in the rapidly changing information landscape. Mr Ronald Chan, officiating guest of the symposium, stated that the technological advancement has brought about challenges to striking a balance between flow of information and the protection of personal data. "To work out a proper response requires careful examination and continual review", he suggested. Professor Way Kuo highlighted the importance of data privacy. He said that the society being advanced or less advanced could be seen from how individuals are respected. Speaking about the School of Law's mission to take forward professional education in Hong Kong and give back to our community, Professor Howells concluded in the Opening Ceremony that "An event like the one today will show that our Law School, our University is engaging with people in Hong Kong who are talking about the issues which will be determinant to the future of our citizens."

The symposium has three sessions, each with **Professor Zhu Guobin** (Professor, School of Law, City University of Hong Kong), **Dr Ding Chunyan** (Associate Professor, School of Law, City University of Hong Kong) and **Mr Mark Parsons** (Partner, Hogan Lovells) as moderators. More than 10 esteemed experts from the mainland, Hong Kong, Macau, Korea, Malaysia, Singapore and Germany gave presentations.

The first session of the symposium was about the Privacy Law in China. **Professor Xia Zhenglin** (Associate Dean, School of Law, South China University of Technology), **Professor Fan Jinxue** (Professor, Koguan Law School, Shanghai Jiaotong University), **Professor Zhu Xinli** (Dean, Guanghua Law School, Zhejiang University), **Professor Zhao Bingzhi** (Dean, Law School, Beijing Normal University), **Professor Yao Hui** (Professor, Renmin Law School, Renmin University of China), **Dr Fong Man-chong** (Coordinator, Office for Personal Data Protection, Macau) and **Mr Mark Parsons** (Partner, Hogan Lovells) presented their views on privacy protection and development of data protection law in Mainland China, Hong Kong and Macau.

The second session on Privacy Law in Asia comprised **Professor Nohyoung Park** (Professor, School of Law, Korea University, Korea), **Mr Zechariah J H Chan** (Partner-Intellectual Property, Lee & Lee, Singapore) and **Ms Jillian Chia** (Partner, Skrine, Malaysia). They discussed the development of data protection law in their home jurisdictions.

In the last experience sharing session, **Professor Peter Rott** (Professor, Universität Kassel, Germany) discussed "Data protection law as consumer law—How consumer organizations can contribute to the enforcement of data protection law"; **Professor John Baconshone** (Director, Social Sciences Research Centre, University of Hong Kong) examined change of privacy in Hong Kong over two decades against the background of significant political and technological change; **Professor Y B Yeung** (Adjunct Professor, Department of Computer Science, Hong Kong Baptist University) spoke on the current issues on cybersecurity and ways to enhance our protection of personal data from a security standpoint.



Photo provided by PCPD

The symposium ended with the closing remarks of Professor Howells who thanked all the guests again and gave special thanks to the PCPD's invaluable contribution. Overall, the symposium was very successful. Besides legal scholars and experts, around fifty students, staff and legal practitioners also participated in the event learning from cutting-edge data privacy research.

Roundtable Discussion Explores Consumer Credit, Debt and Insolvency



Leading commercial law specialists and scholars from Asia and Europe gathered at City University of Hong Kong for a roundtable discussion on "Consumer Credit, Debt and Insolvency" organized by the School of Law on 2 September 2016.

The Roundtable was chaired by **Professor Geraint Howells** (Dean of the School of Law, City University of Hong Kong and Chair Professor in Commercial Law). Invited speakers for this Roundtable were **Dr Sarah Brown** (Associate Professor, Leeds Law School, University of Leeds) and **Ms Vivian Tang** (Research Assistant, School of Law, City University of Hong Kong) who both presented with Professor Howells on the topic, 'The Degrees of Responsible Lending in Comparative Perspective'; **Professor Toni Williams** (Professor of Law and the Head of the Kent Law School, University of Kent) who spoke on a theme entitled 'Reflections on Responsibilization as a Regulatory Instrument: The Case of Credit'; **Professor Alexander Loke** (Professor and Assistant Dean, School of Law, City University of Hong Kong) who discussed issues surrounding another 'hot topic', 'Crowdfunding Regulation in Hong Kong: Late Mover Advantage'; and **Professor Iain Ramsay** (Professor of Law, Kent Law School, University of Kent) who shared his thoughts on personal insolvency in the paper, 'Reflections on Personal Insolvency in the 21st Century'.

The Roundtable attracted students, staff, legal scholars and practitioners who actively and enthusiastically engaged in thought-provoking discussions with the speakers during the question and answer section. The overwhelming feeling among the participants was that the seminar was a compelling addition to the current scholarship on key and contemporary global issues relating to the responsible use of credit and legal and non-legal regulation of markets for consumer financial products.

CityU Law School Hosts the 6th International ADR Moot

From 5 to 9 July 2016, CityU School of Law hosted the 6th International ADR (Alternative Dispute Resolution) Mooting Competition. The ground-breaking competition, combining practices of both arbitration and mediation to settle the moot case, was initiated by the CIETAC (China International Economic and Trade Arbitration Commission), CityU Law School, and Columbia Law School in 2010. This year, the competition was co-organized by the CIETAC, the UNCITRAL (the United Nations Commission on International Trade Law)-Regional Centre for Asia and the Pacific, and Curtin Law School.

CityU welcomed the guests, in particular all the competing teams, on the evening of 5 July. Distinguished guests attending the Opening Ceremony included **Dr Wang Wenying**, Secretary General of CIETAC Hong Kong Arbitration Centre; **Mr Wesley Wong SC**, Solicitor General of the HKSAR's Department of Justice; **Professor Horace Ip**, Acting President of CityU; **Dr Eileen Webb** and **Dr Vernon Nase**, Associate Professors of Curtin Law School.

Dr Mark Kielsgard, Director of Moot and Advocacy and Assistant Professor at CityU Law School, introduced the officiating guests and recognized the effort of all the teams.

Professor Horace Ip said CityU was proud to hold the competition and it went in line with CityU's Discovery-Enriched Curriculum. He encouraged the students to visit Hong Kong and wished every team good luck.

As a representative of the HKSAR Government, Mr Wesley Wong SC commented that the dispute resolution scene in Hong Kong is vibrant and the city's competitiveness as one of the centres for alternative

dispute resolution has been increasing. Therefore, he was glad to see such a unique contest to be held in Hong Kong.

Dr Wang Wenying urged the students to seize the opportunity to make friends in Hong Kong. She also encouraged interested students to apply for internship at CIETAC.

Dr Eileen Webb expressed her excitement over the partnership between CityU Law School and Curtin Law School. She was looking forward to an enjoyable week in Hong Kong.

At the end of the Opening Ceremony, Dean of CityU Law School, **Professor Geraint Howells** stressed that everyone is already a winner.

This year, 17 teams from 8 jurisdictions participated in the competition. After a two-day intensive general round, eight teams advanced to the arbitration quarter-final, which were Monash University (Australia), City University of Hong Kong (Hong Kong), Masaryk University (Czech Republic), Murdoch University (Australia), Hong Kong Shue Yan University (Hong Kong), Jindal Global Law School (India), National Law University, Jodhpur (India) and Edith Cowan University (Australia); 4 teams, on the other hand, went through to the mediation quarter-final — Jindal Global Law School, Monash University, V.M. Salgaocar College of Law, Goa University (India), and Murdoch University (Australia).

After the quarter-finals and semi-finals, two Australian teams Monash and Murdoch argued in the final on the morning of 9 July before a panel of four world-class arbitrators and mediators: **Mr Peter Caldwell**, **Ms Sheila Ahuja**, **Mr Lung Wan Pun** and **Mr Norris Yang**. After the arbitration proceedings, the process shifted to mediation, in which the veteran mediator Mr Norris Yang took over and acted as the sole mediator.



A grand Gala Dinner was held at Renaissance Harbour View Hotel on the evening of 9 July and the final results were announced. Monash University won the championship while **Ms Katrin Long** from Murdoch University was awarded "Professor Tang Houzhi Award for the Best Mediator". A lot of event judges as well as **Professor Way Kuo**, President of CityU, attended the dinner. Professor Howells and Dr Kielsingard thanked the dinner sponsor **Mr Peter Cheng** of New World Development Company Limited and congratulated all the teams that argued brilliantly. Finally, mooters' winning smiles and friendly chatter brought an end to the 6th International ADR Mooting Competition.

List of Awards

Award	Awardee
Best Individual in the Client's Role	Kala Campbell (Murdoch University)
Highest Ranked Team in the General Rounds	Monash University
Encouragement Award	Russian State University of Justice
Spirit of the Moot Award	Universitas Gadjah Mada
Best Mediator in General Rounds	Stephanie McCulloch (Monash University)
Best Team in Mediation in General Rounds	Monash University
Best Memoranda (Claimant)	National Chiao Tung University
Runner-up Team – Memoranda (Claimant)	Masaryk University
Best Memoranda (Respondent)	National Chiao Tung University
Runner-up Team – Memoranda (Respondent)	Hidayatullah National Law University
Runner-up for Best Mediator	Stephanie McCulloch (Monash University)
Professor Tang Houzhi Award for the Best Mediator	Katrin Long (Murdoch University)
Best Oralist (Arbitration proceedings) in General Rounds	Vicky Lau (Hong Kong Shue Yan University)
Runner-up Team in the Grand Final	Murdoch University
Winning Team in the Grand Final	Monash University

Dalian Maritime University Delegation Visits CityU School of Law



A delegation led by **Professor Liu Zhengjiang**, Vice President of Dalian Maritime University (DMU) of China visited School of Law, City University of Hong Kong (CityU) on 17 June 2016 to strengthen the collaborative relationship.

The DMU delegation included **Professor Dai Ran**, Dean of Navigation College; **Professor Chen Dong**, Associate Dean of Marine Engineering College; **Professor Liu Shun**, Associate Dean of Continuing Education College; **Ms Liu Zhihua**, Chairman of the Labor Union; and **Mr Shao Guang**, Deputy Director of International Cooperation and Exchange Office. Associate Dean of School of Law of City University of Hong Kong **Dr Chen Lei**, Associate Professor **Dr John Ho**, and Assistant Professor **Dr Zhao Liang** met with the delegation.

Professor Liu Zhengjiang thanked the School of Law, CityU for its warm reception. He introduced the delegation members and the purpose of the visit.

Dr Chen Lei welcomed the DMU delegation and briefed the delegation on the history of CityU. He indicated that CityU has made rapid advancement in a short time. According to the 2016 Quacquarelli Symonds (QS) University Rankings: Asia, CityU has been ranked 7th in Asia. He also introduced the School's history, faculty, internationalization, programmes and research centers.

Dr Zhao Liang introduced the Hong Kong Centre for Maritime and Transportation Law, the Maritime and Transportation Law Stream of Master of Laws (LLMMTL) programme and the Hong Kong Maritime Law Scholarship Scheme. He took this opportunity to welcome the students from Dalian Maritime University to apply for the LLMMTL and the scholarship.

Discussions also covered summer programmes, job opportunities in Hong Kong, etc. The two sides looked forward to comprehensive academic cooperation and student exchanges between DMU and CityU in the future.

CityU Hosts the Fourth Cross-Strait Four-Region Forum on Health Law and Bioethics

On 12 and 13 May 2016, the School of Law, City University of Hong Kong was honoured to host the Fourth Cross-Strait Four-Regions Forum on Health Law and Bioethics at its campus. The previous three forums were held at Southern Medical University of China, National Taipei University, and Macao University respectively, which made this Forum the conclusion of the first round of such forums. Over 50 leading scholars and legal practitioners from the mainland, Taiwan, Hong Kong and Macao gathered at CityU to exchange their opinions on alternative dispute resolution for medical disputes.

The Forum was co-organized by School of Law, City University of Hong Kong, the China Health Law Society and the Southern Medical University of China. At the Opening Ceremony, **Dr Chen Lei**, Associate Dean of CityU School of Law, welcomed and introduced the School of Law to all the attendees. After that, **Mr Du Chun** (General Manager of China Legal Services (H.K.) Limited), **Professor Jiang Hong** (Vice President of China Health Law Society and Executive President of International Institute of Health Law) and **Ms Angela Lin** (Chairwoman of LiFu Medical Research, Cultural, and Educational Foundation) each gave their best wishes to the success of the Forum.

The Forum was divided into six sessions, respectively covering the doctor-patient relationship and medical disputes, alternative dispute resolution for medical disputes in the mainland, Taiwan, and other jurisdictions, the management and distribution of medical liability and risk, and legal responsibilities of medical negligence. **Ms Angela Lin**, **Professor Lai Lai-kun** (Director-General of the Chinese Society of Health Law and Policy), **Dr Ding Chunyan** (Assistant Professor, CityU School of Law), **Dr O Heng-wa** (Health Bureau of Macao), **Professor Yan Jinhai** (Acting Dean of the School of Humanities and Management, Southern Medical University), and **Dr John Ho Kong Shan** (Associate Professor, CityU School of Law) served as moderators of panel discussions.

During the Forum, not only did the presentations explore specific aspects of the medical dispute resolution, they also reflected on hot issues such as medical disputes involving Chinese individuals who did plastic surgeries in South Korea and the recent vaccine scandal. The vivid discussions among the experts would, hopefully, contribute to the related legislation and help set an effective mechanism for medical dispute resolution.

President of International Institute of Health Law, **Professor He Shan**, and Dean of CityU School of Law, **Professor Geraint Howells** gave speeches and brought an end to the Forum. Gathering talents across the strait and bridging academic communications among scholars of the four regions, the Forum helped advance the research on health law and bioethics.



Visit by Delegation of Bond University to CityU

On 11 May 2016 a delegation of three staff and nineteen students from the Faculty of Law at Bond University visited the School of Law. The three staff from Bond University were **Mr Ian Stevens**, Assistant Professor, PLT Program, **Ms Kay Lauchland**, Associate Professor and **Mr Terry Gygar**, Associate Professor and Director, China Programs. It was quite a nostalgic moment as both Ms Lauchland and Mr Gygar, previously undertook secondments at the School of Law and our Senior Teaching Fellow **Mr Michael Beckett**, an alumnus of and previous member of teaching staff at Bond University, was able to join the visit.

Mr Jack Burke (Senior Teaching Fellow) delivered a short presentation concerning the legal system in Hong Kong as well as the admission process for legal practitioners here. In particular, Mr Burke noted that our PCLL received a large complement of students from eminent Australian universities such as UNSW, the University of Sydney, and Melbourne Law School. It was generally accepted that these students often performed with distinction in the PCLL and were highly sought after in the graduate recruitment market. Mr Beckett added that Hong Kong was an exciting and vibrant place to live and work and recommended those interested in working in South East Asia to consider employment opportunities here.

Public Lecture on International Law Successfully Held at CityU School of Law

On 27 April 2016, CityU School of Law successfully held a public lecture on International Law. Special Representative for Climate Change Negotiations of the Foreign Ministry **Mr Gao Feng** and Deputy Director General of the Ministry of Commerce **Ms Li Yongjie** presented on “Interpreting Paris Conference and Climate Change” and “Dispute Resolution Practice in International Economic Law – WTO Dispute Settlement and China” respectively.

Special Representative for Climate Change Negotiations of the Foreign Ministry Mr Gao Feng is mainly responsible for climate change negotiations. Mr Gao has rich experiences in dealing with climate change negotiations, treaty law, law of the sea, diplomatic and consular relations-related legal issues, the United Nations, and counter-terrorism affairs.

Ms Li Yongjie, Deputy Director of the Ministry of Commerce, handles WTO dispute settlement, investment agreement negotiations, investment dispute settlement, etc. She is extremely experienced in WTO dispute settlements and has participated in many WTO dispute settlement cases in which China has been involved.



Mr Gao Feng introduced perceptions of international community on climate change in detail. He also shed light on the achievements of the Paris Conference on Climate Change, China’s domestic agenda towards climate change and its further plans.

“Climate change is not only a scientific issue, but also an economic, developmental, technical and global governance issue.” Mr Gao emphasized that climate change is a common challenge to human beings which needs concerted efforts of all countries around the world and the rules of highly accepted and effective international laws and standards.

In his presentation, Mr Gao stressed interpretations of the Paris Agreement, a landmark agreement on the United Nations Framework Convention on Climate Change reached on 12 December 2015 in Paris. The Paris Agreement provides new institutional arrangements for combating climate change. Mr Gao introduced the main achievements of the agreement from different aspects including the long-term goal of global governance on climate change, Intended Nationally Determined Contributions (INDCs), financial support from developed countries to developing countries, transparency, and an overall inventory of global efforts to combat climate change, etc.



Ms Li Yongjie presented on “Dispute Resolution Practice in International Economic Law – WTO Dispute Settlement and China” with detailed explanations on the scope of the World Trade Organization (WTO) dispute settlement, the contributions of WTO

dispute settlement mechanism, proceedings, the achievements of Uruguay Round, and a skeletal review of China's participation in WTO dispute settlements.

Ms Li highlighted the success of WTO dispute settlement mechanism which depends on three great achievements of Uruguay Round negotiations: first, the new WTO system removed the defendant's veto power towards initiating WTO dispute settlement mechanism brought under the General Agreement on Tariffs and Trade (GATT) and the "negative consensus" applied; second, the rulings and recommendations of Dispute Settlement Body (DSB) took effect; third, DSB can grant authorization to the prevailing party for retaliation against the losing party who does not comply with the ruling.

Ms Li cited the Brazil-United States cotton dispute to elaborate the operation of the WTO dispute settlement mechanism. She commented: "Binding as international law, WTO rules strengthen enforcement because the system was designed to shift the pressure onto the domestic interest groups of the losing party, so as to facilitate the ruling by the domestic policy game."

The 21st Annual Goff Arbitration Lecture by Chief Justice Robert French AC: Arbitration – Private and Public Interest Dimensions



The practice of arbitration was historically treated as a private consensual mechanism by which parties agreed to have their disputes resolved. It has, however, in recent years, become a major focus of attention among courts and commentators. As early as in 1991, CityU School of Law pre-empted the need for nurturing professional arbitrators in Hong Kong and thus introduced the first MA (now LLM) programme in Arbitration and Dispute Resolution in Asia. The Goff Arbitration Lecture was thus instituted to celebrate the commencement of this MA programme. Since then, the Lecture has been held annually. This year, in cooperation with King & Wood Mallesons and the Construction Industry Council, CityU School of Law hosted the 21st Annual Goff Arbitration Lecture on 18 April 2016, at the Hong Kong office of King & Wood Mallesons. We

were much honoured to have **the Hon Justice Robert French AC**, Chief Justice of the High Court of Australia, as the speaker to give a lecture titled "Arbitration – Private and Public Interest Dimensions".

Justice French's lecture touched on the external public policy environment and the internal public policy restraints. The story of the Judgment of Solomon, according to him, raised a question regarding the right of an arbitrator. Whereas legislators at times are concerned that the nature of arbitration may limit its contribution, throughout its course of development, arbitration has actually brought economy, efficiency, neutrality as well as expertise to the judicial process. However, arbitration favoured by public policy environment may not always serve the best of public interests. For example, the compulsory arbitration clauses under the Federal Arbitration Act introduced in 1925 in the United States may put plaintiffs against big corporations in many cases at a disadvantage. They give tools to defendants to prevent class actions. Due to the binding arbitration clauses, the plaintiffs may be forced to bring the cases to arbitrators instead of initiating law suits. Justice French used the classic case *AT&T v. Concepcion* to make this point clear. In this case, the defendant was able to shield itself from class actions because the arbitration clause prohibited such action.

On the other hand, the internal criteria of arbitration is mainly concerned with the issue of arbitrability, that is, whether or not arbitrators have the authority to rule on a dispute.

In conclusion, Justice French asserted: first, it is necessary to be cautious to the over-simplification of the court decisions as either pro-arbitration or anti-arbitration; second, although healthy competition between jurisdictions is important for the development of innovative approaches to dispute resolution, judicial decision making on arbitration cannot be about attracting non-judicial business to the jurisdiction.

"Clearly, there is a lot of room for improvement in the public policy judgment," commented Justice French. He continued, "it is a responsibility for all those engaged in the practice of commercial arbitration to ensure the claim in the process in which it is engaged... continues to be sensitive and stick to the public interest".

Renowned legal practitioners such as **Philip Boulding QC**, **Ian Pennicott QC**, **Hectar Pun SC** etc. among about 100 attendants participated in and enjoyed the inspiring lecture. After the lecture, the participants raised interesting questions and interacted with Justice French (The Q&A session was moderated by **Mr Paul Starr**, Partner of King & Wood Mallesons). In his vote of thanks, **Dr Christopher To**, the LLMArbDR Programme Leader of CityU School of Law and then Executive Director of Construction Industry Council, not only thanked the Chief Justice and all the guests but also expressed his hope that Hong Kong would be put on the global legal map with its can-do spirit. At the end, **Dean Professor Geraint Howells** presented a gift to the Chief Justice and brought an end to the lecture.

The Chinese Contract Law Conference Boosts CityU School of Law's Stature on Chinese Private and Commercial Law

On 15 and 16 April 2016, a Conference of Perspectives on Chinese Contract Law was held at City University of Hong Kong. The conference was organized by Centre for Chinese and Comparative Law (RCCL) of CityU School of Law and Department of Management, University of Florida. The eminent contract law scholars from common law, civil law, mixed jurisdictions as well as mainland China assembled at CityU sharing their insights on how to improve Chinese Contract Law from comparative perspectives.

Professor Geraint Howells, Dean of CityU School of Law, welcomed all the guests in his opening remarks. He illustrated CityU's remarkable trajectory as a young university and touted the School of Law, in particular, as a legal education innovator in Hong Kong. **Professor Larry DiMatteo** (Huber Hurst Professor of Contract Law & Legal Studies, University of Florida) reflected on the context and mission of the law academics to demonstrate the significance of organizing such a conference. Speaking about the specific reasons for launching this conference, **Dr Chen Lei**, Associate Dean of School of Law, concluded the Opening Ceremony.

The conference had six sessions, each focused on "General Principles", "Validity", "Contract Formation", "Performance and Breach", "Remedies and Damages", and "Chinese Contract Law and International Law Instrument & Future of Chinese Contract Law".

During the first session, **Professor Han Shiyuan** (Professor, Tsinghua University) laid out the general principles under Chinese Contract Law. He discussed the system structure, norm functions as well as the development based on the eight articles. **Professor Christian Twigg-Flesner** (Professor of Commercial Law, University

of Hull), **Professor Ewan McKendrick** (Registrar & Professor of English Private Law, Oxford University), **Professor Liu Qiao** (Associate Professor, TC Beirne School of Law, University of Queensland), and **Professor Martin Hogg** (Deputy Head & Chair Professor of the Law of Obligations, University of Edinburgh), on the other hand, shed light on the subject matter from English common law perspectives and Scots law perspectives respectively. They compared different aspects of contract law between China and their home jurisdictions, ranging from the freedom of contract to concepts such as good faith and fairness.

The second panel comprised **Professor Wang Yi** (Professor of Civil and Commercial Law, Renmin University of China), **Professor Mindy Chen-Wishart** (Professor of the Law of Contract, Oxford University), and **Professor Lutz-Christian Wolff** (Wei Lun Professor of Law, Chinese University of Hong Kong). Professor Wang and Professor Wolff emphasized on specific aspects of contract validity — the former on mandatory provisions and the latter on the impossibility to perform — whereas Professor Chen-Wishart presented a wide range of problems including alteration of contract, third party interests, and undue influence.

The panel on "Contract Formation" discussed the issue of pre-contractual liability. **Professor Shen Wei** (KoGuan Chair Professor of Law, KoGuan Law School, Shanghai Jiaotong University), **Professor Barbara Pasa** (Associate Professor of Comparative Law & Chairs of Comparative Law, University of Torino), and **Professor Alexander Loke** (Assistant Dean & Professor, CityU School of Law) presented their studies from various angles. A heated discussion on renegotiation of contract was conducted after the panel presentations.

Dr Ding Chunyan (Associate Professor, CityU School of Law), **Professor Ulrich Schroeter** (Chair for Private Law, International



Corporate and Financial Markets Law, European Business Law, University of Mannheim), and Professor Geraint Howells & **Professor James Devenney** (Head & Professor of Commercial Law, School of Law, University of Exeter) presented their papers on “Performance & Breach” during the fourth panel discussion. They each brought to the conference their expertise in Chinese law, German law, English law and even Taiwan Civil Code and inspired a vivid discussion afterwards.

The presenters for the first session on the second day were Dr Chen Lei and **Professor Michel Cannarsa** (Dean and Professor, Faculty of Law, Catholic University of Lyon). They presented their papers concerning “Remedies & Damages”. Dr Chen discussed what could be recovered if a contract is not performed and the extent, calculation, limitation and penalty of damages, etc. Professor Cannarsa explored the topic from the civil law perspective.

In the last session, **Dr André Janssen** (Visiting Associate Professor, CityU School of Law), **Professor Larry DiMatteo**, **Dr Yang Fan** (Assistant Professor, CityU School of Law) and **Professor Wang Jingen** (Associate Professor of International Business Law, TSL School of Business & Information Technology, Quanzhou Normal University) presented papers concerning international law instruments and future of Chinese Contract Law. Particularly, they elaborated on UNIDROIT Principles of International Commercial Contracts (PICC) and Contracts for the International Sale of Goods (CISG) as related to Chinese Contract Law.

A book launch ceremony was also held after the first day of the conference. Professor Alexander Loke, Professor Mindy Chen-Wishart, **Professor Anselmo Reyes** (Professor of Legal Practice, The University of Hong Kong), **Professor Lusina Ho** (Professor, The University of Hong Kong), Dr Chen Lei and Professor Han Shiyuan were invited to talk about the new book “Remedies for Breach of Contract” (edited by Mindy Chen-Wishart, Alexander Loke, and Burton Ong, published by Oxford Press), which is a part of the “Studies in the Contract Laws of Asia” book series. Professor Han and Professor Chen-Wishart introduced the background of the book series. Professor Loke regarded the editorial process “eye opening” as the book offers a comparative overview of different Asian jurisdictions. As one of the book chapter contributors, Dr Chen was more than excited about this new addition to the contract law scholarship as he deemed this an example of CityU School of Law’s presence in the common law world.

After further explanation of the future publication plan on the basis of the conference, Professor Larry Dimatteo and Dr Chen Lei thanked all the guests again and concluded the one-and-a-half-day conference. Besides the legal scholars and experts, about forty students and legal practitioners also participated in the event learning from the

cutting-edge recent legal researches. Overall, the conference is very successful and showcased CityU School of Law’s status as a powerhouse of Chinese and Comparative legal scholarship.

CityU School of Law Signs Academic Exchange Memorandums with Two Leading Law Schools in Taiwan

A delegation of School of Law, City University of Hong Kong visited two leading law schools as well as the Department of Consumer Protection, Executive Yuan (the Cabinet) in Taiwan on 10 and 11 March 2016. The delegation comprised **Dean Professor Geraint Howells** and **Dr Lin Yu-Hsin**, Assistant Professor of CityU School of Law.

The delegation went to National Chengchi University on the morning of 10 March. Dean Howells signed a memorandum of understanding with **Dean Lin Kuo-chuan** of College of Law, National Chengchi University; both parties agreed to explore the possibilities of future academic, research and student exchange as well as teaching collaboration.

In the afternoon of 10 March, Dean Howells and Dr Lin visited the Department of Consumer Protection of Executive Yuan of Taiwan to meet the Deputy Director-General **Mr Wu Cheng-Hsuei** as well as his colleagues **Ms Juang Ya-show**, **Ms Lai Shu-Ming**, **Ms Chang Ying-Mei**, and **Mr Chen Jia-Sheng**. During the meeting, they discussed the recent Online Dispute Resolution platform in EU, the rise of e-commerce and its impact on consumer protection regarding online-payment and cross-border consumer disputes, as well as the recent development in consumer protection law in Taiwan.

On the second day, the delegation visited the College of Law, National Taiwan University. Dean Howells signed a memorandum of understanding and a student exchange agreement with **Dean Jan Sheng-lin**. Both law schools will send up to two exchange students each year; they will also strengthen the cooperation in research and teaching in the future.

During the visit, Dean Howells gave lectures in both law schools; **Professor Jerry G Fong** and **Professor Wu Jiin-Yu** had a vivid discussion with him on legal scholarship during his lecture at College of Law, National Chengchi University. Meanwhile, Dr Lin Yu-Hsin introduced CityU School of Law and the graduate programmes to the faculty and students of the two universities.

The visit to Taiwan of the CityU School of Law delegation proved a success. We look forward to having more collaborations with universities and institutions in Taiwan.

Ceremony of 2015-16 Admission Scholarship Awards, Championship in Moot Competition cum Cheque Presentation

CityU School of Law held a grand Ceremony of 2015-16 Admission Scholarship Awards, Championship in Moot Competition cum Cheque Presentation on 3 March 2016. **Dean Professor Geraint Howells** addressed the ceremony enthusiastically, thanking the donor and congratulating the School's mooters and awardees. "The Admission Scholarships attract the best students," Dean Howells mentioned in particular, "for our School aspires to offer not only the best education in Hong Kong, but the best in the common law world."

Ten students were awarded Admission Scholarship Awards, among whom four are LLM students, three PCLL students, two JD students and one LLB student. Associate Deans **Professor Lin Feng** and **Dr Chen Lei** presented the awards. All the recipients were very happy to receive the scholarships and deemed it a great encouragement and support from the School.

To recognise the achievements attained by the SLW moot team, a ceremony celebrating the championship in the Susan J. Ferrell moot competition followed. Competing against teams of various foreign universities, the CityU team of five members took the Ferrell Trophy in the 11th Susan J. Ferrell Intercultural Human Rights Moot Court Competition at St. Thomas Law School in U.S. on 31 January 2016. The team also won the Best Memorial prize and four Best Oralist awards. The LLB student Cheung Lai Tong won the top honor of the best oralists.

The Director of Mooting **Dr Mark Kielsingard**, in his speech, regarded it as a special moment, since it proved that CityU School of Law

is a "sustainable moot power house". He recalled it was in the Susan J. Ferrell Intercultural Human Rights Moot Court Competition five year ago that the CityU team bagged its first trophy, embarking on its glorious march of winning eight championships in five years. Dr Kielsingard also extended his gratitude to the two alumni coaches **Ms Theo Li** and **Mr Andrew Tse**, who were members of the 2011 champion team.

Last but not least was the Cheque Presentation of the donation. On behalf of late Mr Chan To Haan, **Mr Michael Ma** donated 1.2 million Hong Kong dollars based on Mr Chan's will to the School, which was used to set up two prizes, namely, "Chan To Haan Cyber Law Prize" and "Chan To Haan Prize for Overall Excellence". Dean Howells thanked Mr Ma dearly.

At last, Professor Lin Feng gave the vote of thanks and concluded the successful ceremony.

Names of students awarded Admission Scholarships:

LLM Students: Liu Zhaoqi, Xu Huiwen, Wang Guanchao, Song Chen

PCLL Students: Kang Hui Min Michelle, Liu Tsz Kwan, Sun Mei

JD Students: Chen Jiayue, Lee Hung Mo

LLB Student: Yeung Yat Hung Alan

Susan J. Ferrell Intercultural Human Rights Moot Court Competition Team Member List:

Cheung Lai Tung (Best Oralist), Wong Esmond Chun Ka (Second Best Oralist), Guan Issac (Third Best Oralist), Lee Ka Yee (Fifth Best Oralist), Xie Jun



Public Lecture: How Lawyers Can Use their Legal Training to Improve their Society

What do you think of lawyers? What are their differences from others? How can they work for the good of society? These questions of great concerns to the law students were provoked by **Mr Edwin Rekosh** on the public lecture “How Lawyers Can Use their Legal Training to Improve their Society” at the School of Law, City University of Hong Kong on 25 February 2016.

Mr Rekosh teaches human rights, law and development at Columbia Law School. He is also the founder of PILnet: The Global Network for Public Interest Law.

Mr Rekosh summarized four important characteristics making a lawyer unique: legal knowledge; skills; understanding about the law, the legal system and how it interacts with the society; as well as values. He highlighted that for a lawyer, the problem-solving skills, reasoning skills, communication skills, and presentation skills are essential.

Sketching normal paths for lawyers to contribute to the society, such as solving legal problems and reducing disputes, Mr Rekosh stressed the less conventional ways, especially the legal aid on a voluntary, pro bono basis. “Lawyers have special roles in the legal system in society and should volunteer based on their specialized knowledge and legal skills,” he said.

Lawyers could also contribute their knowledge and legal skills to change the way that laws and policies were designed and



implemented. Mr Rekosh explained that lawyers could correct or change the laws or policies by bringing litigation.

“Lawyers could also work for the good of society through NGOs by providing legal information for citizens since they have the ability to translate complex information into simple and practical information, which was not only good for citizens, but also for the efficiency of legal systems,” Mr Rekosh said.

Finally, Mr Rekosh shared his personal story of founding PILnet. The attendants actively exchanged their opinions with Mr. Rekosh during Q & A section and still lingered around longing to talk with him after the lecture.

VIEWPOINTS

Corporate Governance of Leveraged Control Firms

By Dr Yu-Hsin Lin
Assistant Professor, City University of Hong Kong School of Law

When Google went public in 2004, Larry Page and Sergey Brin made the following statements in the prospectus:

“In the transition to public ownership, we have set up a corporate structure that will make it harder for outside parties to take over or influence Google. This structure will also make it easier for our management team to follow the long term, innovative approach emphasized earlier.”

The corporate structure that Google adopted was the dual-class share structure. Google has two classes of shares, Class B with ten votes per share and Class A with one vote per share. Class B shares were held by Page, Brin and other executives. Over the years, Google has issued Class A shares to fund acquisitions and employee compensation. As a result, the control power of Class B shares is gradually diluted and the founders are concerned that they will lose control in the foreseeable future. To avoid that, Page and Brin presented to the board a proposal to create a new, non-voting class of shares on January 12, 2011.

On April 12, 2012, Google’s special board committee and the board approved a recapitalization plan to create a new class of shares, Class C shares, and undergo a stock split where each Class A or

Class B shareholder will receive a dividend of non-voting Class C share. The purpose of recapitalization is to extend the control of Google's founders, Page and Brin, who enjoyed over 56.1% of Google's voting power with only 15% of equity rights.¹ The recapitalization plan raised several concerns on shareholder protection. Two weeks after the board approval, shareholders filed class action complaints alleging breach of directors' fiduciary duties. When the recapitalization proposal was finally presented to the shareholders, 85.3% of Class A shareholders voted against the recapitalization proposal at the shareholders' meeting. Nevertheless, the proposal still passed with the support of founders' super-voting Class B shares.²

Google's recapitalization provides a vivid example of pro-controller midstream change. In my paper "Controlling Controlling-Minority Shareholders: Corporate Governance and Leveraged Corporate Control" in *Columbia Business Law Review*, Vol. 2017, No. 2, I analyze the corporate governance challenges faced by leveraged control firms and proposes to empower shareholders through facilitating the participation of institutional investors to counter the superpower of leveraged controllers.

One-share one-vote is the key principle behind the allocation of corporate ownership and control. In keeping with this principle, shareholders who contribute more equity to a firm exert more control through their voting power. With proportionate equity ownership and control, this should provide shareholders with the proper incentive to make appropriate decisions and properly monitor the firm through voting.³ In reality, a large number of public firms around the world do not adhere to the one-share one-vote rule. Instead, controllers usually leverage their control through various control-enhancing mechanisms, such as dual-class shares, pyramidal ownership, or cross-shareholding. Such deviation from the one-share one-vote rule further exacerbates the principal-agent problem in a controlled firm. A leveraged controller is not only entrenched, but also has incentive to extract private benefits of control because he owns disproportionately less equity.⁴ However, a leveraged firm still enjoys the benefits of efficient monitoring

by controlling shareholders. Therefore, it is unclear whether a leveraged control structure generates net benefits or net costs to shareholders. On the other hand, proponents of leveraged control argue that the deviation from one-share one-vote should be allowed because shareholders have the freedom to contract on the allocation of corporate control.

Despite the theoretical controversies, firms with leveraged control are widespread. 44 percent of European public companies have at least one type of control-enhancing mechanism, while 38.7 percent of East Asian public companies use a pyramidal ownership structure to enhance corporate control.⁵ Even in the US, where the percentage of leveraged control firms has traditionally been low, there is a growing number of newly-listed firms adopting dual-class shares.⁶ 28 percent of firms underwent an initial public offering ("IPO") between 2011 and 2013 in the US have a dual-class share structure.⁷ Google, Facebook, Groupon, LinkedIn, Zynga, and Alibaba are well-known examples of leveraged control firms. Further research is needed to understand the dynamics that shape the proper use of control-enhancing mechanisms and the role of law and governance in mitigating the distortions in a leveraged control structure.⁸

In general, most jurisdictions allow for a certain amount of deviation from the one-share one-vote rule. Yet, there does not seem to be a consensus on how to regulate different forms of deviation devices. The EU and OECD have conducted a study concerning the regulatory scheme several years ago. However, failing to reach a consensus, the report only advised regulating control-enhancing mechanisms through enhancing disclosure and transparency. In recent years, as entrepreneurs hope to maintain their control after public listing, they seek to utilize dual-class share structures to leverage corporate control during listing. This led to reviews by the Hong Kong and Singapore Stock Exchange – the Hong Kong Stock Exchange refused to grant listing with dual-class share structure, while the Singapore Stock Exchange approved the proposal to allow listing companies to have dual-class shares in order to maintain competitiveness.

¹ Settlement Hearing and Rulings of the Court, *In re Google Inc. Class C S'holder Litig.*, No. 7469-CS, 2013 WL 6735045 (Del. Ch. Oct. 28, 2013).

² See Google Inc., Current Report (Form 8-K), (June 21, 2012).

³ FRANK H EASTERBROOK & DANIEL R FISCHER, *THE ECONOMIC STRUCTURE OF CORPORATE LAW* 67-70 (1991).

⁴ Lucian A Bebchuk et al., *Stock Pyramids, Cross-Ownership, and Dual Class Equity: The Mechanisms and Agency Costs of Separating Control from Cash-Flow Rights*, in *CONCENTRATED CORPORATE OWNERSHIP* 295, 301-06 (Randall K. Morck ed. 2000).

⁵ ISS et al., *REPORT ON THE PROPORTIONALITY PRINCIPLE IN THE EUROPEAN UNION* 24 (2007); Stijn Claessens et al., *The Separation of Ownership and Control in East Asian Corporations*, 58 J. FIN. ECON. 81, 92-93 (2000).

⁶ Paul A. Gompers et al., *Extreme Governance: An Analysis of Dual-Class Firms in the United States*, 23 REV. FIN. STUD. 1051, 1057 (2010).

⁷ Richard J. Sandler & Joseph A. Hall, *Corporate Governance Practices in Ipos*, 2 (July/Aug 2014).

⁸ Sara Saggese et al., *Evolution of the Debate on Control Enhancing Mechanisms: A Systematic Review and Bibliometric Analysis*, Forthcoming *INTERNATIONAL JOURNAL OF MANAGEMENT REVIEWS* 1, 18-19 (2016).

As mentioned, the current theories and empirical studies on leveraged control do not seem to point in a clear direction or provide coherent grounds either for or against leveraged control. Even though the findings of the existing empirical studies are mixed, there are more studies that suggest leveraged control correlates with lower firm value. In particular, there is evidence showing that the value discount may not come from inefficient monitoring, but from the extraction of private benefits. This result justifies the concern over increased entrenchment agency costs in a leveraged control firm.

Then, the next question is — will the freedom of contract argument which supports deviation from the one-share one-vote principle still stand? Focus is placed on the deviations stipulated in the corporate charters that are directly related to the contractual freedom claim, such as dual-class shares and priority shares. Through the lens of the contractarian theory of the firm, one can see that differentiating the IPO stage from post-IPO (or “midstream”) stage is essential in analyzing the agency problem faced by outside shareholders. In the IPO stage, the key issue is whether the leveraged control structure in the IPO charter is optimal; whereas in the midstream stage, the issue becomes whether outside shareholders can make value-increasing charter amendments or repeal a value-destroying leveraged control structure. It is observed that at least in the midstream stage, due to the nature of leveraged control and the commonly adopted supermajority voting requirement for charter amendments, outside shareholders of leveraged control firms suffer from a serious agency problem. Recent recapitalization of Google and going-private transactions among US-listed Chinese firms provide vivid examples of the midstream opportunistic behaviors of leveraged controllers.

One size does not fit all. Considering how different corporations demonstrate different characteristics, an outright prohibition of certain types of control-enhancing mechanisms may not be optimal. Adhering to the “one-share one-vote” principle hinders the flexibility of corporate financing and affects economic development. Instead, we should leave these decisions in the

hands of shareholders. To do so, empowering shareholders by increasing shareholder participation would be the best way to resolve the imbalance of power in a leveraged control firm.

People may doubt the effectiveness of shareholder voting in a controlled firm, particularly in a disproportionately-controlled firm, because the higher the percentage of votes controlled by insiders, the lesser the chance that outside shareholders will be able to challenge the exertion of such control. However, recent empirical studies report otherwise. They show that shareholder voting can be an effective means to exercise governance, not only in US firms but also in non-US firms⁹ and firms with substantial insider control.¹⁰ Peter Iliev et al. (2015) investigate the effectiveness of shareholder voting by US institutional investors on director election and merger approval in 8,160 firms across 43 countries. The sample firms have an average insider control of 38.2%; yet, they find evidence showing that there are active shareholder voting actions and that such voting actions resulted in governance-related outcomes.¹¹ In particular, greater dissent voting by outside shareholders is associated with higher subsequent director turnover and more withdrawals of merger and acquisition deals.¹² Therefore, shareholder participation through voting can serve as an effective monitoring device, even in a controlled firm.

Furthermore, institutional ownership has grown dramatically in recent years. In the US, the institutional holdings of public equities have grown from 6.1 percent in the 1950s to 28.4 percent in 1980 and eventually reached 50.6 percent in 2009.¹³ Other countries around the world are also experiencing steady growth in institutional ownership in public equities.¹⁴ According to a survey of public companies in 23 countries, the average total institutional ownership in non-US jurisdictions was around 27 percent in 2007, with an average growth of 2.43 percent each year from 2003.¹⁵ It is expected that institutional investors, including pension funds, mutual funds, and insurance companies, will play an important role in constraining the opportunistic behavior of controlling shareholders.¹⁶ In particular, institutional investors, together with shareholder activists, could fix the collective action problem of

⁹ Recent studies on U.K. corporate acquisition voting also support the positive impact of shareholder voting on firm value. See Marco Becht et al., Does Mandatory Shareholder Voting Prevent Bad Acquisitions? Forthcoming in Review of Financial Studies at <http://rfs.oxfordjournals.org/content/early/2016/06/21/rfs.hhw045.abstract>

¹⁰ Reena Aggarwal et al., *Does Governance Travel around the World? Evidence from Institutional Investors*, 100 J. FIN. ECON. 154 (2011); Peter Iliev et al., *Shareholder Voting and Corporate Governance around the World*, 28 REV. FIN. STUD. 2167 (2015)

¹¹ Iliev et al., *supra* note 10, at 2170-71. Peter Iliev et al., *Shareholder Voting and Corporate Governance around the World*, 28 REV. FIN. STUD. 2167 (2015).

¹² *Id.* at 2188-96.

¹³ Ronald J Gilson & Jeffrey N Gordon, *The Agency Costs of Agency Capitalism: Activist Investors and the Revaluation of Governance Rights*, 113 COLUM. L. REV. 863, 874-75 (2013).

¹⁴ OECD, THE ROLE OF INSTITUTIONAL INVESTORS IN PR

¹⁵ Aggarwal et al., *supra* note 10, at 159.

¹⁶ OECD, *supra* note 14; Ronald J Gilson, *The Nordic Model in an International Perspective: The Role of Ownership*, in NORDIC CORPORATE GOVERNANCE MODEL 94, 108-12 (Per Lekvall ed. 2014).

VIEWPOINTS

outside shareholders and draw attention to governance failures in leveraged control firms.

About the Writer

Dr Yu-Hsin Lin's research interests focus on corporate governance and capital markets regulations. She has published with leading academic journals, including *Columbia Business Law Review* and *New York University Journal of Law & Business*. Dr. Lin holds a J.S.D. degree from Stanford Law School, where she was appointed as the John M. Olin Fellow in Law and Economics. She has also been a visiting scholar at Harvard Law School. Prior to joining City University of Hong Kong, she taught at National Chengchi University in Taiwan and



has engaged in consulting projects for the Securities and Futures Investors Protection Center and Taiwan Stock Exchange. Before her academic career, she was a practicing lawyer specializing in international business and capital markets transactions.



STUDENT ACTIVITIES

Mid-Summer Night Drinks: Night for Experience Sharing



Over 80 alumni and students (LLB, JD, LLM and PCLL) enjoyed a delightful evening at an annual mid-summer drinks organized by the Alumni Association of CityU School of Law on 24 August 2016.

The aim was to welcome the new law students to the School of Law's big family and provide an opportunity for them to learn from the alumni.

The Dean of the School of Law **Professor Geraint Howells**, the Chairlady of the Alumni Association **Ms Bonita Chan** and the Chair

of Student Affairs of the Alumni Association **Mr Kay Chan** attended the drinks and gave brief speeches. Adjunct Professor of the School of Law **Mr David Tully** and Teaching Fellow **Ms Sara Tsui** were also present.

Ms Bonita Chan stressed in her talk the importance of grades for getting a job interview. "Try and be a good student", said Ms Chan to the new students, reminding them that the basic subjects in the first year like *Contract Law* and *Criminal Law* will be encountered day to day in their practice.

"Good academic results are important, but soft skills such as networking skills are equally important," Ms Chan advised the students to form a network not just among the students, but also get in touch with legal practitioners. She strongly encouraged the students to apply for the Student Membership of Hong Kong Law Society. "As a Student Member, one can get access to the Law Society circulars, keep abreast of training vacancies and participate in social events organized by the Law Society," she explained.

She hoped that the students, as the future leaders of legal community, could uphold the rule of law and help as well as maintain the legal system of Hong Kong.

Professor Howells further stressed the importance of marks in the first year of study and shared his views on getting good marks. "The

way to get good marks is to get interested in the subjects.” He hoped the students enjoy their study in the Law School. He also encouraged the new students, especially LLB students who are pursuing their first degree and might feel pressure to be a lawyer; the law degree is for a wide range of careers; being a lawyer is not the only way out.

Mr Kay Chan introduced the forthcoming two workshops on CV writing and mock interview for LLB, JD and PCLL students.

Filled with chatter and laughter, the alumni, students and faculty had an enjoyable evening mingling over drinks and canapés at the Hong Kong Law Society Club House. The students grabbed the opportunity to learn valuable experiences from their alumni in legal studies and practices that would be of great help for them to navigate the new life.

Welcome New Students to CityU Law School

CityU Law School held a series of orientation activities for the first-year students in LLB, JD, PCLL, LLM, and LLMArbDR Programme on 23 August 2016, to give students a glimpse of the School life and help them get prepared for the new start.

Professor Geraint Howells, Dean of the Law School, delivered a welcoming speech to the new students. He warmly welcomed the students to the School of Law’s big family and suggested them to take full advantage of the opportunities the School provides. To the LLB and JD students, Professor Howells strongly recommended them to undertake the global projects (G-LEAP and dual programme), the legal placement programme and international mooted competitions. “It is an important stage in your life,” he encouraged the students to enjoy their studies, keep an open mind, broaden their horizons, gain international exposure and reflect on their own values.

After Dean’s introduction of programme directors and administrative staff, the programme directors also welcomed the new students and set out their expectations. **Professor Alexander Loke**, the

LLB Programme Director, encouraged the students to enjoy studies at the Law School, work hard, and train their own judgment. **Ms Alisa Kwan**, the LLB Programme Associate Director, hoped students can use their valuable time to learn knowledge and make friends; she looked forward to seeing all the LLB students in her competitive PCLL classes after graduation. Then followed **Dr Rebecca Ong**, the JD Programme Director, who recommended the JD students to take opportunities the School provides for international exposure and complete the JD degree in three years, rather than two years which is the normative period. **Dr Eugene Lim**, the JD Programme Associate Director, suggested the students not to ignore building social capital (personal and professional connection) in their study. The PCLL Programme Director **Ms Stella Leung** and Programme Associate Director **Dr Peter Chan** summarized the programme features and advised the new students to keep an open mind.

After the luncheon were the introductions on different aspects of School life. The Director of Mooting **Dr Mark Kielsingard** together with some present and past mooters introduced mooted competitions. The mooters shared how mooted benefited them in terms of personal, academic and career development. The new students were also briefed on the Law Library, e-learning, the CityU Law Review and the Professional Career Services of the School of Law (PCSSL). **Ms Sandy Wong**, advisor of the Alumni Association of CityU’s School of Law, was invited as a guest speaker to share her experiences in legal practice with students.

The Orientation for LLM and LLMArbDR students was held in the evening. Dean Professor Howells welcomed the newly admitted students and introduced the history of the programmes, the LLM programme for incumbent Chinese judges and the collaboration with University Paris 1. **Dr Xing Lijuan**, the LLM Programme Associate Director, elaborated on the programme structure, curriculum, resources, facilities and student activities. LLM of Maritime and Transportation Law Stream and LLMArbDR students met their programme directors respectively afterwards.



STUDENT ACTIVITIES

CityU Students Present Their Research at the Hong Kong Law Research Postgraduate Symposium 2016

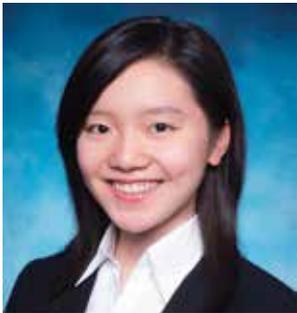
The second annual Hong Kong Law Research Postgraduate Symposium was held on 9 April 2016. This initiative aims to "bring together law or law-focused PhD, JSD/SJD and MPhil students from all universities in Hong Kong, providing them with the opportunity to present and engage in dialogues regarding their research". The initiative is led by **Professor Gregory Gordon** of the Faculty of Law, Chinese University of Hong Kong, and **Dini Sejko**, a PhD candidate of CUHK.

This year, four CityU postgraduate research students presented on their research at this event. **Qin Zhou**, a second year JSD student presented in the first panel of the day, on the topic "*Do the 'haves' come out ahead - dispute resolution of consumer finance contracts outside courts*". This was followed by two CityU representatives in the third panel which focused on Human Rights and Employee Rights. **Sarfaraz Ahmed Khan**, a fourth year PhD student from CityU, gave a passionate rendition of his research in a paper entitled "*Preventing*

sex-trafficking between India and Bangladesh by addressing vulnerability and demand: An exploration in the light of eight case studies". While **David Birchall**, a first year PhD student from CityU gave an insightful presentation on "*The theory and practice of input legitimacy: A critical analysis of its application in multi-stakeholder initiatives regulating human rights in the supply chain*". Our last student presenter was **Huina Xiao**, a second year PhD student, who gave a very interesting paper in a very specialised panel focusing only on Chinese Company and Tax Law. The paper of Huina Xiao, entitled "*Fapiao in China: The evolution of VAT administration*", elicited much debate and discussion from the audience and everybody found it very interesting and thought-provoking.

Dr Andra Le Roux-Kemp, an Assistant Professor at the CityU School of Law, participated in the event as a commentator on students' papers and a chair of the "History and the Law" panel. **Dr André Janssen**, a Visiting Associate Professor of CityU School of Law also participated as a commentator on students' papers and concluded the symposium with a keynote address entitled "*The disgorgement of illegal profits and a case study on how to develop, finance and survive long-term research projects*".

STUDENT SHARING



Being a current third-year Bachelor of Laws ("LLB") student, I have thoroughly enjoyed my legal learning experience at CityU's School of Law, and it would not be an overstatement to say that studying here is one of the best decisions I have made.

The school offers generous support in strongly encouraging students to go abroad and take part in the Global Legal Education and Awareness Project (G-LEAP), in order for us to develop a global perspective. I was pleased to have joined both the Monash University and University of Oxford G-LEAPs in 2015 and 2016 summers respectively – both of which were undoubtedly eye-openers. Not only were we able to learn from the lecturers who were leading scholars in their fields, we also had the opportunity to visit the local judicial organs, and appreciated the differences between such and the ones in Hong Kong. Students formed close friendships during the exchange, and benefitted from the valuable overseas learning experiences. Additionally, the School's strong ties with the Mainland allow us to participate in short study tours in Chinese universities – I took part in the South China University

of Technology tour in Winter 2014, during which I grew interest and gained much insight on the Chinese legal system, through attending lectures and interacting with local university students.

Moreover, there is strong career support in the School of Law. A well-built alumni network gives students the chance to connect and communicate with past CityU law graduates and current legal practitioners, through the buddy scheme and drinking sessions. The alumni also hold CV clinics and mock interview sessions, in which legal professionals are invited to critique on our performance and guide us in our career development. In addition, the School of Law itself arranges internships for students through legal placement schemes in Hong Kong and China. The above are all conducive to paving a good foundation for the career journeys of CityU law students.

Needless to say, the teaching staff are helpful and passionate, and there are vast legal resources available for us to conduct legal research. Overall, my study experience has been awesome so far, and I look forward to spending a few more years in the School to complete my LLB and PCLL programme.

– **Shum Kwan Yee Queenie**
Bachelor of Laws (Honours)

STUDENT SHARING



Looking back on the two years in CityU's Law School filled with changes, challenges and rewarding experiences, I have so much to be thankful for and would love to share this appreciation.

For starters, the beginning of graduate law school was a drastic change from my undergraduate degree. I assure you that it was not a walk in the park, but it was just as rewarding as it was difficult. I remember the first day of law school where the professor forewarned us of the hectic schedule to come and the numerous heaps of readings to be done. Yet, with such an intense workload, students throughout the year continued to attend every class and diligently participated in every lecture. The reason for such an engaged audience showing up every class was not just because my fellow classmates were keen, but because there was a mutual passion shared amongst the students and the professors alike. Each and every one of them were ready to dive into the adventures of discovering something new in the legal atmosphere. It became a regime where it was not just the students learning from the professors, but an active journey to appreciate the details of the legal sphere together. And amongst the trenches of cases, legislation and examinations, I soon made the friends that I would cherish for a lifetime.

On top of the regular class schedule, students were encouraged to participate in experiences outside of the classroom such as the mooted competitions, Law Review activities and even just regular study group events in the library. For me, the one memorable experience was the Global Legal Education and Awareness Project (G-LEAP) opportunity offered by CityU to study abroad for a summer in European Competition Law at Oxford University. Being able to indulge in the diverse legal studies that CityU has offered me, I became addicted to learning more. In the end, I recognized that law was not an academic burden, but rather an enjoyable hobby to me.

I know that I will cherish the invaluable experiences that I have had in CityU. The Juris Doctor programme has provided me with enthusiasm to greet my legal career with open arms. Thank you CityU and all the people that have made this journey so gratifying. It was my pleasure to have been accompanied by you all.

– **Chow, Alex Kai Tim**
Juris Doctor



I am glad to say that I have completed my LLMArbDR with rather pleasing results and moved on with my further studies in law with my heart set on a legal career in Hong Kong. Looking back, I thoroughly enjoyed my time at the LLMArbDR programme. It was a fruitful journey, in which I started

off as a fresh LLB graduate of a UK university, and ended up in where I am now with plenty of practical knowledge, an invaluable insight into the Hong Kong legal and ADR environment, as well as loads of friends and fond memories.

The LLMArbDR programme combines theory with practice, and has allowed me to build a solid foundation for my further studies and career development in law. The knowledge involved is more industry-based rather than a pure summary of legal principles from textbooks and statutes. Our programme leader has also endeavoured to ensure that we are equipped with up-to-date knowledge by discussing with us the latest court cases in Hong Kong. The blend of legal theories and industry practice has given me a taste of how ADR works in the commercial world, in which legal and non-legal issues are somewhat intertwined.

In addition to the acquisition of legal and practical knowledge, the people at the LLMArbDR programme have formed a substantial part of my fulfilling experience. I was fortunate enough to be taught by a range of practitioners, most of them being involved in more than one profession or industry. The lecturers and tutors are always approachable and accommodating, supporting both full-time and part-time students with regard to their needs and concerns. The LLMArbDR supporting staff are also very friendly and eager to help.

What surprised me the most is that I got to make friends with coursemates from a wide range of educational backgrounds and industries. I never imagined having engineers, doctors and civil servants as my fellow coursemates at a law programme, and undeniably they have formed an eye-opening network. It amazed me further when I got to meet legal practitioners at networking events who are alumni of the programme, and I am delighted to know that the programme has its reputation established and maintained in the legal arena in Hong Kong.

I am lucky to have had the opportunity to study the CityU LLMArbDR programme, which is indeed demanding, requiring hard work and time, but above all, is deeply rewarding.

– **Victoria Hoi-Ting Chan**
Master of Laws in Arbitration and Dispute Resolution

STUDENT SHARING



Having spent some years in the maritime industry, I made a decision a year ago to pursue further studies in something related but different. Looking back now, I am really glad that I took the challenge and more importantly I took the challenge with the School of Law of CityU.

Coming from a completely commercial background and having a day time job, LLM was obviously not something easy for me and it has been 12 hectic but fruitful months exactly as I expected from the beginning. The teaching was intensive but insightful and eye-opening on the other hand, thanks to the top-notch teaching staff in the School and their previous experience in practice. We were always encouraged to discuss and share opinions during lectures and tutorials which triggered a lot of interesting debates between classmates coming from different backgrounds. Coupled with constructive feedback from the teaching staff, this has enhanced our critical thinking and equipped us with better analytical skills as we progress in our studies.

I was perhaps a bit surprised by the relentless effort of the School in organizing workshops covering the latest topics in maritime law, seminars by international scholars, social events with professionals in the industry, recruitment talks etc. Without a doubt these have helped us to make the most out of our time with CityU and how we prepare ourselves after the studies to navigate into the maritime segment of Hong Kong.

Thanks to the School of Law, my first year with CityU has been thoroughly enjoyable and it is exciting to find out what the next years will bring!

– Lau Yuen Kit
Master of Laws



CityU's School of Law is an unusual sort of law faculty thanks to its discovery-enriched curriculum. To many, attending a law school is simply a vast CV-building competition which leads to a mundane yet "safe" career path – out of students of different disciplines, law students can most

conveniently translate decent grades into a good job. However, CityU's School of Law does much more than providing students with a safe harbour. Teachers do not simply talk students through model answers or spoonfeed them without telling them the rationale behind. Had it not been the inspiring teachers, I could hardly relate the land law of a given jurisdiction to the history of the place, or the emergence of limited liability companies to the industrial revolution. Had it not been the inspiring teachers, I would not have gone beyond what the law "is" and thought about what the law should or could have been. Thanks to the School's emphasis on reaching out, I had the pleasure of going to another common law jurisdiction to study the local law. On the surface, what I have been learning over these years may seem a surplus to what is required and expected of a practising lawyer - but I do believe that the ability to think critically is crucial to a lawyer's career. At the end of the day, lawyers are in the business of going about contentions and coming up with legal interpretations of groundbreaking gadgets or a long-lasting state of affairs. Forming the habit of thinking is, to me, the most valuable lesson and takeaway from CityU's School of Law. Meeting the standards recognized by the mass public is easy, since one can always see where the yardstick is. However, setting its own standards, like what the School has been doing, is a more arduous journey. I am fortunate and grateful that we are on this journey together.

– Cao Vincent Chenyu
Postgraduate Certificate in Laws

STUDENT SHARING



After spending almost two semesters at CityU Law School, I am more and more engaged in the vibrant school life. As a student from mainland and also as a judge, I am very glad to share on how to study effectively.

As a law school student, you might be anxious about the huge quantity of reading materials. You may often feel having no time to do anything except studying in the library. So it is vital to have a detailed time plan and good self-management.

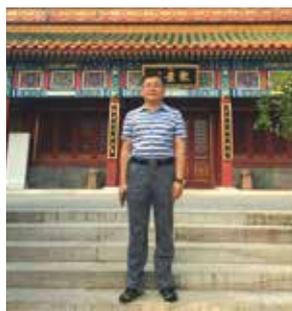
Firstly, previewing the readings can help you get a better understanding during class. The teacher will give a lot of information in the lecture. One knowledge point may refer to several cases, and you should know the name of the cases and the principles in the cases clearly before class. If you didn't make any preparation, you may become lost in class.

Secondly, good communication can help you establish a strong knowledge base. If you have any questions in or after class, you should ask your teacher immediately. I trust they will be very pleased to give you an explanation in time. If you don't voice out your difficulties, you may go in the wrong way very easily. Additionally, you should pay attention to the presentations; Discussing a certain topic with your team members is a very effective method to learn. Hearing other opinions will broaden your vision and inspire you. So cherish every chance to listen to a presentation and enjoy the process.

Thirdly, make the best use of the University's resources. The library is not only a place for self-study, but also a place for deep thinking. You can attend workshops to learn how to take full advantage of the University's databases. That will be a great help in your research. You can also attend other lectures which you are interested in, no matter whether they are in the scope of law or not. I hope you will find your campus life interesting and worthwhile.

– Hu Yu

Master of Laws Programme for Chinese Judges



I received an offer from the School of Law of City University of Hong Kong in June 2011 after rigorous selection. It was my great honour to be one of the 20 students of the first cohort of Doctor of Juridical Science (Chinese Judges). The School of Law placed high importance on academic honesty, and had a high expectation

on students. After four years of study, thesis writing and oral defense, I received the degree of Doctor of Juridical Science in October 2015. Today my doctoral thesis has been published as monograph of the Peking University Press. Looking back at my studies at CityU, the meticulous and pragmatic scholarship, lively, open and inclusive way of teaching, attentive management and thoughtful service of School of Law, are still vivid in my mind. The learning experience at CityU Law School is unforgettable and has a lifelong impact on me.

Thank you CityU Law School. Regardless of the distance between us, I will never forget the University motto "Officium et Civitas" and put it into practice with my life.

– Ren Jiqiang

Doctor of Juridical Science (Chinese Judges)

LLB Graduate Receives British Chevening Postgraduate Scholarship to study at the University of Cambridge



Jeffrey Lee Kwun Lun, a 2015 CityU Bachelor of Laws (LLB) graduate with First Class Honours, has commenced studying the Master of Law (LLM) at the University of Cambridge in October 2016. Jeffrey won the prestigious British Chevening Postgraduate Scholarship for his LLM studies after a long and competitive selection process.

The British Chevening Postgraduate Scholarship is the UK Government's global scholarship programme and is awarded to outstanding emerging leaders, influencers, and decision-makers to pursue a one-year Master's degrees in the UK. In addition to comprehensive financial support, it also offers scholars the opportunity to participate in various exclusive activities and to become part of the highly regarded and influential Chevening global network, which is a very precious chance to connect with inspirational leaders across different sectors.

According to Jeffrey, it was an opportunity to study at the University of Oxford under the Global Legal Education and Awareness Project (G-LEAP) in 2013 that sparked his interest and ambition to pursue further legal studies in prestigious universities abroad. The G-LEAP is sponsored by the School of Law with an aim to provide LLB and JD students precious opportunities to have a global perspective in the study of Law. Students who joined the G-LEAP could study credit-bearing law courses for one month on an intensive basis during the summer term in either the Faculty of Law of Monash University or University College, Oxford.

The selection process of the Chevening scholarship is rigorous and takes a minimum of eight months from the application deadline to when scholars are conditionally selected for an award. Given the prestige of being a Chevening Scholar as well as a range of other benefits, the selection is extremely competitive and over 40,000 applications are received globally each year.

To stand out from the rest of the applications, Jeffrey thinks that other than determination and academic excellence, the keys are to have very clear personal and professional aspirations, and

more importantly, to know how they can be achieved one by one. Meanwhile, active participation in non-academic extra-curricular activities or community service would certainly be a plus for the application.

Before heading off to Cambridge and unfolding a new chapter of his life, Jeffrey expressed his gratitude to the School of Law for laying a solid foundation for his postgraduate studies. In particular, he thanked Professor Geraint Howells and Professor Lin Feng for the opportunities to work as their undergraduate research assistant, and Ms Alisa Kwan and Dr Jojo Mo for their excellent teaching and guidance. Last but not least, he expressed his heartfelt thanks to Dr Surya Deva for being very supportive of his academic and professional pursuits. Without Dr Deva's great help and continuous support, Jeffrey said he would not have been able to get this far or achieve many of his goals.

PCLL Student Flora Lam Receives Sir Oswald Cheung Memorial Fund PCLL Scholarship 2016-17



PCLL student Flora Lam Hiu Ting has been awarded the Sir Oswald Cheung Memorial Fund PCLL Scholarship 2016-17 upon entry to the programme with her remarkable academic results. She is the first recipient of the scholarship.

One object of the Sir Oswald Cheung Memorial Fund is to provide for or assist in the promotion of legal education and training and the advancement of legal learning in Hong Kong. It also aims to provide scholarships and grants to law students, pupil barristers, researchers or teachers. To further the objects of the Fund, an annual scholarship is offered for the best student enrolling for the PCLL Programme amongst those who intend to practise in the Bar.

Receiving the scholarship was a great honour for Flora. "It is a recognition of my hard work in studying law," she said. "The recognition is very helpful in terms of my career aspiration as a barrister in future, while it is also a pressure for me to do better." Flora felt that she has a duty not only to not let herself down but not let the School down.



Flora received the Bachelor of Commerce degree from the University of British Columbia and then studied JD at CityU before entering the PCLL programme. Switching from commerce to law major is not an easy decision for her. "Studying law is really a great challenge for me personally and academically," Flora said. She was passionate about law because it would be easier for her to understand what is going on in the world on a deeper level.

She also believed that the skills learnt from law studies could be used in many aspects of life, even if students do not plan on pursuing a legal career after graduation.

"There is no shortcut in studying law. It is all about hard work," Flora emphasized. She also shared some learning experience with her fellow students. "First, don't hesitate to ask questions, whether it be friends or faculty members. Second, get well prepared for class so that you would be more responsive and be able to ask intelligent questions. Third, understand your learning style at the beginning of the programme. Lastly, take every exercise and presentation seriously during tutorials and lectures." She hoped her fellow students could find their respective paths and not be afraid to follow them. Lastly, Flora wished to thank all of CityU School of Law's administrative staff and faculty members, especially Dr. Mark Kielsingard and Ms. Sara Tsui for their continued support and guidance both personally and professionally.

Three CityU Students Win Law Reform Essay Competition 2016

Professor Geraint Howells, Dean of the School of Law, City University of Hong Kong, and Professor Lin Feng, Associate Dean of CityU School of Law, attended the Law Reform Essay Competition 2016 Certificate Award Ceremony on 28 June. CityU PCLL student Choi Yeuk Lam, LLB students Ho Wing Chi and Tse Anthony Shing-Chung were among the five awardees, who were complimented for their well-argued and thoroughly researched law reform essays. The Secretary for Justice and Chairman of the Law Reform Commission, Mr Rimsky Yuen SC commented that the winning essays were all of a very high standard.

In order to promote the significance of law reform among students, the essay competition was organized by the Law Reform Commission for the third time. This year, the topic of competition was "Should Hong Kong legislate on crowdfunding? If so, how?" Out of seventeen competing submissions, the awarded papers stood out in terms of both substance and organisation. By winning the competition, the winners would gain a one-month attachment at a leading law firm, a barristers' chambers, a commercial corporation or the Department of Justice this summer.

Professional Development Within the School of Law

Focus on Employment

The term Professional Development encompasses a number of elements however this article focuses on three core areas and how they impact on the employability of our students. The importance of preparing students for life in the law cannot be underestimated and part of this is ensuring that they receive proper guidance and support when it comes to career advice and employment options. The Hong Kong legal market is increasingly competitive and when it comes to securing a worthwhile training contract, our students face stiff competition. The School of Law is committed to supporting students in this area and to achieving a high percentage of employability for its students. The three areas where efforts are being made to increase this percentage are student development, the development of the School's alumni and links with the legal profession.

Student Development

This term covers a number of important areas including, academic/intellectual development though the high quality teaching the School provides; professional development which includes students gaining a better understanding of the workings of the legal profession and what life is like as a solicitor or a barrister and career development. All of these have a direct impact on employability. In the current legal market students face huge competition for training contracts particularly with the international law firms which many students aspire to. Such firms have their training contracts organized some two to three years in advance which means that many students have failed to secure training contracts at the start of their PCLL year and have to carefully consider other opportunities. In addition we also face the situation where students who fail to get into the PCLL have to consider other career options. The School has now put in place a focused one-on-one career advisory program where students can receive advice on matters such as applying for internships and training contracts and related issues such as choice of firms as well as other professional development issues. So far this year approximately 100 students have attended these sessions which continue to attract new students requiring support and assistance as they progress through the School.

Alumni Relations

The School is very fortunate to have developed a close working relationship with its Alumni Association and in the last year or so has organized and supported a number of joint events allowing students to network at drinks receptions and to attend career focused workshops. The workshops have been particularly successful and have focused on CV preparation and mock interviews which is clearly linked to employment. Our increased efforts to develop more extensive links to the legal profession have helped in securing partners from major law firms to participate in the mock interviews which not only provides our students with an insight into how an actual interview might be conducted, but also helps "showcase" our students to potential employers. It is very satisfying to note that the feedback from the partners has been extremely positive and has already led to some internships being offered. Whilst our working relationship with the Alumni Association has developed well in the last year or so, further efforts are required to track down and increase the number of Alumni connected to the School. In the coming months **Kay Chan** from the Alumni Association and the writer will be meeting the University's central Alumni office to coordinate future activity which will hopefully also tie in with the School's 30th Anniversary in 2017. It is important to remember that the Alumni are in effect Ambassadors for the School and every effort should be made to reach out to them and make them feel part of the School and its future. They should also be encouraged to support our students either through mentoring schemes, which are currently being discussed with the Alumni Association or in assisting with employment opportunities for our students.

Links with the Legal Profession

It is extremely important that the School of Law maintains strong links with both the solicitor profession and the Bar as ultimately they are the end users of what the School of Law produces, i.e. well educated and grounded graduates "fit for purpose" as they start their careers in the profession. Employability is increasingly important these days not only in terms of how the School of Law is perceived by the market but also in attracting new law students and supporting students who have already embarked on their degree. Future employers must have a good impression of the School and the quality of our students to encourage them to recruit CityU graduates. Through regular dialogue with the profession

SCHOOL INITIATIVE

we can actively promote the School's values and the quality of our students. Over the last year or so we have been developing stronger links with a number of law firms, through meetings and dialogue with senior HR professionals and in some cases directly with partners. This has helped to increase the profile of the School and in a number of cases led to employment opportunities for our students. In fact in one case the School was able to secure full sponsorship and a guaranteed training contract for one of our LLB students. It is hoped that more opportunities will follow in the future. Whilst significant inroads have been made with the larger international firms more work is required with the small to medium-sized local firms which make up the majority of the legal profession in Hong Kong. An additional focus in the coming

months will be on PRC law firms who are expanding in HK and who may offer interesting employment opportunities particularly for students with a mainland background or students wishing to pursue a career involving China.

Finally it is hoped that the efforts which the School is making in the areas outlined above can be promoted within the School so that we maintain and enhance our reputation not only in its excellent academic work but in the support and assistance we give to our students.

– David R Tully

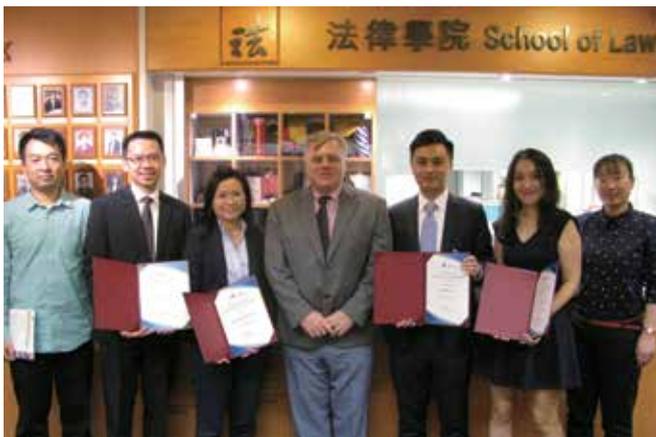
*Adjunct Professor & Student Development Advisor
School of Law*

RESEARCH CENTRES



**Hong Kong Centre for
Maritime and Transportation Law**
香港海事及運輸法研究中心

HKCMT: Hong Kong Maritime Law Scholarship 2016-17 Certificate Presentation



The Hong Kong Maritime Law Scholarship 2016-17 Certificate Presentation was held on 14 November 2016. In 2016-17, four outstanding awardees were **Chan Shing Yan, Chen Zhuo Er, Kong Lok Sun and Lee Suk Ching Wendy.**

The presentation was attended by **Professor Geraint Howells,** Dean of the School of Law, City University of Hong Kong and Director

of the Hong Kong Centre for Maritime and Transportation Law (HKCMT); **Dr Xing Lijuan and Dr Zhao Liang,** Associate Directors for the HKCMT and Assistant Professors of the School of Law.

Professor Howells welcomed all on behalf of the HKCMT and congratulated the recipients in obtaining the scholarship. "It is a great achievement to obtain the scholarship as there are many applicants every year." Professor Howells said.

Dr Xing hoped that the scholarship could be a motive for the recipients to be more diligent and dedicated. Dr Zhao reminded the recipients to remember their commitment to the Hong Kong shipping industry.

Chan Shing Yan indicated that she has learnt a lot in the classes and hoped to work in a shipping law firm upon completion of the programme.

Lee Suk Ching Wendy, who has worked in the maritime industry for more than ten years, shared that the courses of the Maritime and Transportation Law Stream of Master of Laws Programme were very practical and she has learnt a lot of legal principles that were important for working in the maritime law industry.

Kong Lok Sun was honored to receive the scholarship and thanked the School of Law and Steering Committee for awarding the scholarship.

Chen Zhuo Er was glad to be one of the scholarship recipients for 2016-17 and expressed that he will endeavor to contribute to the Hong Kong maritime industry.



RCCL Conference on Judicial Reform in China

Judicial reforms have been an integral part of China's rule of law efforts. Several important measures have been launched since the Fourth Plenum of the 18th Central Committee of the Chinese Communist Party in 2014. Having been implemented for almost two years, it is time to critically review the process and policy implications of those reform measures. Due to this reason, on 19-20 August 2016, the Centre for Chinese and Comparative Law (RCCL) of the School of Law of City University of Hong Kong (CityU) held a conference to investigate the implementation of the judicial reform efforts in China and its theoretical implications.

This one and a half day's conference brought together 19 scholars to examine various issues relating to China's judicial reforms in recent years, offering an in-depth study of China's judicial reforms from empirical and comparative perspectives. One thing worth mentioning is, among these 19 scholars, a number of them are internationally recognized Chinese law scholars who have been researching on Chinese judicial reform for many years.

The conference kicked off with the welcome speech of RCCL Director **Professor Xin He**. Soon after that, chaired by **Dr Peter Wang** of our Law School, the first of the six panels of this conference started. **Professor Hualing Fu** of the Faculty of Law of the University of Hong Kong, **Dr Peter Chan** of our Law School and **Professor Susan Finder** of the School of Transnational Law of Peking University presented to the participants their research relating to the profiles

and achievements of the first post-Cultural Revolution generation of law students, the empirical studies of judicial conciliation in China, as well as the significance of live broadcast of trials. **Professor Susan Trevaskes** of the School of Humanities, Languages and Social Science of Griffith University and **Dr Yuqing Feng** of the School of Law of Southeast University then commented on the three scholars' insightful presentations. Audiences also actively participated in the discussion during the question and answer session and posed difficult questions to the presenters.

The second panel, chaired by **Dr Mark Kielsingard** of our Law School, focused on the judicial reforms under the leadership of President Xi Jinping. **Professor Susan Trevaskes** and **Dr Ling Li** of the Department of East Asian Studies of the University of Vienna presented their papers at this panel while **Dr Kwai Ng** of the Department of Sociology of the University of California, San Diego and **Dr Peter Wang** acted as the commentators.

The third panel was chaired by **Professor Baifeng Chen** of the School of Law of Zhongnan University of Economics and Law. Three scholars, namely **Dr Meng Hou** of the School of Law of Peking University, **Dr Xiaohong Yu** of the Department of Political Science of Tsinghua University and **Professor Zhong Liu** of the School of Law of Tongji University presented papers on various issues relating to the institutional obstacles to judicial reform in China. **Professor Qinghua Wang** of the School of Law of China University of Political Science and Law and **Professor Hualing Fu** then gave critical comments on the three papers.

Panel four, chaired by **Professor Susan Trevaskes**, offered a general discussion about judicial reforms in China. **Professor Stéphanie Balme** of the Centre for International Studies (CERI) of Sciences Po Paris who joined the conference via Skype, presented her assessment on China's judicial forms for the past 35 years. After



that, another presenter **Professor Yongjun Li** of the School of Law of Jilin University discussed the theoretical problems behind China's current judicial reform. **Dr Meng Hou** and **Professor Albert Chen** of the Faculty of Law of the University of Hong Kong acted as the commentators for this panel.

Panel five of the second day was chaired by **Dr Ling Li**, **Professor Qinghua Wang** discussed the role of the court in social control in China while **Dr Fen Lin** of the Department of Media and Communication of CityU presented the empirical studies carried out by her and Professor Xin He of our Law School relating to defamation litigation in China. Professor Baifeng Chen and Dr Xiaohong Yu were the commentators of this panel.

Panel six, which was also the last panel of this conference, was a book comments session chaired by Dr Meng Hou. Professor Xin He and Dr Kwai Ng firstly presented their work to the participants. After that, being commentators, Professor Zhong Liu and Dr Ling Li shared their views on the relevant book project and gave valuable comments to the two authors. Other participants also joined the discussion.

In conclusion, while the time was short, the conference was fruitful and thought-provoking and the atmosphere throughout the whole conference was enthusiastic. The insightful and inspirational views of all the speakers who are experts in the field on various issues relating to judicial reform in China, as well as the critical questions and constructive comments of all other conference participants made the conference a great success. It is believed that this conference has laid a good foundation for further in-depth discussion on matters relating to judicial reform in China.



**Centre for
Judicial Education and Research**
司法教育與研究中心

SLW and CJER Jointly Hosts Opening Ceremony for Chinese Judges Programmes

The School of Law of CityU and the Centre for Judicial Education and Research of CityU have jointly held the Opening Ceremony for the 4th JSD Programme for Chinese Senior Judges, the 7th LLM Programme for Chinese Judges and the 10th Advanced Programme for Chinese Senior Judges on 12 October 2016 at the Connie Fan Multi-media Conference Room in CityU.

Many legal experts and professionals from the Mainland and Hong Kong participated in the Ceremony. Our officiating guests included

Justice He Rong, Vice President of the Supreme People's Court of PRC; **Professor Huang Yongwei**, President of the National Judges College; **Professor Way Kuo**, President and University Distinguished Professor of CityU; **Mr Wesley Wong, SC**, Solicitor General, Department of Justice; **Dr Wang Zhenmin**, Director-General, Department of Law, Liaison Office of the Central People's Government in the HKSAR; **Dr Zhou Lulu**, Director-General, Department of Treaty and Law, Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR; **Mr Thomas Shiu Tsung So**, President, Law Society of Hong Kong; **Mr Du Mao**, Chairman of the Board, China Legal Service (H.K.) Ltd; **Professor Geraint Howells**, Dean and Chair Professor of Commercial Law, School of Law, City University of Hong Kong and **Professor Lin Feng**, Director, Centre for Judicial Education and Research, CityU and Associate Dean, School of Law, CityU.

Justice He Rong firstly thanked those who have supported and rendered assistance to the Chinese Judges Programmes. She pointed out that as an all-round judicial reform was being carried out in the Mainland, the judges' professionalism and standardization would become more eminent in future. While conveying her greetings and best wishes to the judge students, she also urged them not only to study hard, but to think hard as well. Only when they truly understand the difference between common law and Chinese law can they shoulder the responsibility of the judicial reform of China.

Professor Way Kuo was proud of CityU's achievement in world rankings in recent years. "CityU is one of the two universities of the most rapid development in the world," according to Prof. Way Kuo, a judge's duty is more than maintaining justice. Judges should also bear social responsibility. He was confident that the School of Law not only provides world-class legal education, but also trains future legal professionals with integrity and ethics.

Dr Wang Zhenmin pointed out that one of the purposes of holding the Chinese Judges Programmes was to strengthen their knowledge in common law. The School of Law of CityU has been working closely with the Mainland on both academic law and legal talent development. He appreciated CityU's contribution in promoting the rule of law in China, especially its efforts in the current judicial reform in China.

Dr Zhou Lulu emphasized the importance and the value of the ability to stipulate international rules. She was delighted to see the cooperation between the National Judges College and CityU on providing legal training to judges from the Mainland.

"China is comprehensively promoting the rule of law and deepening the reform process. A lot of high quality judges with international background are needed to create a fair and transparent legal environment so that assured legal service can be provided to support

RESEARCH CENTRES



the development of social economy,” according to Mr Du Mao. “CityU’s Chinese Judges Programmes can best serve that purpose.”

Professor Geraint Howells first expressed his gratitude for Professor Lin’s work in organizing these Programmes. He also thanked Professor Way Kuo for his consistent support to the Chinese Judges Programmes and the National Judges College and the Supreme People’s Court for their efforts to ensure the Programmes are reputable, demanding and worthwhile. The success of the Chinese Judges Programmes also relies on the support of Hong Kong legal community. Professor Howells appreciated their time and efforts spent on the Programmes. Lastly, Professor Howells wished the Chinese judge students a fruitful study at CityU and prosperous future after graduation.

Judge Wang Limin, delegation rep of the 10th Advanced Programme for Chinese Senior Judge said, ‘while countries and regions maintain their own judiciary, they also constantly learn from each other. And that has become the main theme of contemporary law. In this trend, the China judiciary needs high-quality judges of global perspective. The Advanced Programme for Chinese Senior Judges provides a platform for exchange of ideas between the legal profession in Hong Kong and the Mainland; it also gives the Chinese judges an opportunity to learn Hong Kong legal system and common law.’

Judge Duan Xiaojuan, representative of the 4th JSDCJ Programme noted that with 30 years of reform and opening up in the Mainland, its judiciary has progressed by leaps and bounds. As the number of cases increases, the number of problems and disputes are also on the rise. She saw the situation as not only a challenge but also

an opportunity for Chinese judges. In addition to trial experiences, the judges also need to know more about leading-edge legal theory, so that they can handle disputes more wisely. She spoke highly of CityU’s Chinese Judges Programmes which provided them a very good opportunity to learn and exchange.

Judge Hu Yu, student representative of the 7th LLM Programme for Chinese Judges, said that she cherished the opportunity to do her LLM Degree in CityU. She hoped that she could advance with time and meet and communicate with Hong Kong legal practitioners to adapt herself to the trend of social development. She believed that the law itself is an empirical course. More attention should be paid to practice, so that they could apply what they learn to practice and experience the vitality of the law.

Professor Lin Feng acknowledged those who had contributed to the Chinese Judges Programme in his vote of thanks. In addition, he also announced some key improvements in programme design. For the LLM Programme for Chinese Judges, the SLW has specially invited Judge Waksman from the London Mercantile Court to teach judgement writing and case management; for the JSD Programme for Chinese Senior Judges, the judge students are required to have a topic for the doctoral thesis at enrollment; moreover, the courses in the first year are structured to help them substantiate the design of their research proposal to ensure they can submit complete thesis abstract and finish theses in three years; for the Advanced Programme for Chinese Senior Judges, the two-week programme focuses on providing knowledges on the core parts of Hong Kong legal system – civil justice and criminal justice.

Selected Publications

Jack BURKE

Jack Burke and Sheldon Leung, 'Making Good: Dealing with Illegal Drug Consumption in Hong Kong', *Hong Kong Law Journal*, 46(3) 2016.

GU Minkang

Antitrust Law and Practice in China and Hong Kong, Wolters Kluwer, January 2016, 246 pages.

HE Tianxiang

"Control or promote: China's Cultural Censorship System and Its Influence on Copyright Protection," 7 *Queen Mary Journal of Intellectual Property*, issue 1 (forthcoming) (SSCI).

"Private Infringement of Digital Copyright and Response under the Perspective of International Trade - with the Entry Point of Industrial Copyright Enforcement Strategy against Internet Fan Creativity," *Journal of Jinan University*, no.8, pp. 72-79 (何天翔: "國際貿易視野下的個人數字著作權侵權與應對——以針對網絡粉絲創作行為的企業著作權執法策略為切入點", 《暨南學報(哲學社會科學版)》, 2016年第8期, 第72-79頁)(CSSCI).

David HOLLOWAY

"Sanctions and International Arbitration" (with Eric De Brabandere), in Larissa van den Herik (ed.) (forthcoming), *Research Handbook on Sanctions and International Law* (Cheltenham: Edward Elgar, 2016); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2847000.

André JANSSEN

'International Sales Law: Contracts, Principles & Practice', Munich (Hart/Beck/Nomos) 2016, 1138 pages (co-edited with Larry DiMatteo, Ulrich Magnus and Reiner Schulze).

'Examination and Notice of Non-Conformity, in: Larry DiMatteo / André Janssen / Ulrich Magnus / Reiner Schulze (eds.), *International Sales Law: Contracts, Principles & Practice*, Munich (Hart/Beck/Nomos) 2016, pp. 429-465.

Andra LE ROUX-KEMP

"The recognition of health rights in Constitutions on the African Continent: A systematic review", *African Journal of International and Comparative Law* (2016), Vol. 24 (1), pp. 142-157.

"Criminal Procedure and Sentencing", *Annual Survey of South African Law*, 2014 JUTA (2016 publication), pp. 315-363.

Fozia Nazir LONE

'Hong Kong'. IEL Tort Law in Hong Kong' (Alphen aan den Rijn, the Netherlands: Kluwer Law International) Supplement 47, December 2016. (Available as Paperback monograph – Fozia Nazir Lone, Tort Law in Hong Kong (Wolters Kluwer, December 2016) 232pp.

Daniel PASCOE

'How can Legal Education Speak to the Discovery Enriched Curriculum?', (2017) 4(1) *Asian Journal of Legal Education* 17

'What the Rejection of Anwar Ibrahim's Petition for Pardon Tells Us About Malaysia's Royal Pardons System', (2016) 18(1) *Asian-Pacific Law & Policy Journal* 63

YANG Fan

"Foreign-related Arbitration in China: Commentary and Cases", *Cambridge University Press*, 2016, 2 Volume Hardback Set, ISBN: 978-110-70821-9-9.

Noam ZAMIR

'International Law', *The Annual Register* (2016), pp 432-436.

ZHAO Liang

"Maritime Salvage under Contract: a Comparative Study of Chinese law and the International Salvage Convention" [2017] *Lloyd's Maritime and Commercial Law Quarterly* 286-302

Zhao Liang, Li Lianjun, *Maritime Law and Practice in China* (Informa Law from Routledge, Feb 2017) 493 pages

ZHU Guobin

"Right to Social Security: Assessing Chinese Practice against International Standards", in Surya Deva (ed.), *Socio-Economic Rights in Emerging Free Markets: Comparative Insights from India and China*, *Routledge*, 2016, pp. 312-341.

"Review and Comment of the Implementation of the Basic Law of the HKSAR in 2014", co-authored with LI Xiaobing, in *Review of the Implementation of the Basic Laws of Hong Kong and Macau (Gang'ao Jibenfa Shishi Pinglun)*, Vol. Year 2015, Law Press, pp. 5-30.

Selected Presentations

Jack BURKE

Co-organizer of multidisciplinary symposium on language and law, 'Learning the Language of the Law: An Interdisciplinary Symposium for Legal and Language Practitioners', organised by Legal English in Hong Kong, Hong Kong, on 2 December 2016.

Jack Burke and Hugh Zillmann, invited speakers on the paper, "Fuzzy thinking and uncertain outcomes. The state of play concerning practical legal training in England and Wales and Hong Kong.", at APLEC Conference, organised by Queensland University of Technology, Brisbane, on 10-12 November 2016.

HE Tianxiang

"China's cultural censorship system and its influence on copyright protection" at the 2016 Asian Pacific Copyright Association Conference, organized by Asian Pacific Copyright Association, Law and Technology Centre and University of Hong Kong Faculty of Law, Hong Kong, on 20-22 November 2016.

Andra LE ROUX-KEMP

"In search of common values amongst competing universals: An Asian perspective", at the 13th Asian Law Institute (ASLI) Annual Conference: Asian Perspectives on Legal Globalisation, organised by the School of Law, Peking University, in Beijing, PR China, on 19 – 20 May 2016.

"International and Operational Responses to Disease Control: Beyond Ebola and Epistemological Confines", at the International Health Governance (IHG) of Disease Outbreak Alert and Response International Workshop, organised by the Max Planck Institute for Comparative Public Law and International Law, in Heidelberg, Germany, on 3-4 March 2016.

Daniel PASCOE

"Elite' Interviewing in Closed or Partially-Closed Criminal Justice Systems", at the seminar "Changing Contours of Criminal Justice", organised by the Centre for Criminology, University of Oxford, on 5 December 2016.

"Dodging Death Row: Victim-Perpetrator Reconciliation Agreements in Death Penalty Cases", at the seminar "Dodging death row? Victim-perpetrator reconciliation agreements in death penalty cases", co-hosted by the Asian Law Centre of the University of Melbourne and Centre for Indonesian Law, Islam and Society, Melbourne, on 21 November 2016.

YANG Fan

"CISG in China and beyond, The Future of Legal Harmonization - New Horizons for International Commerce", at the 2016 UNCITRAL Thailand Symposium, co-organised by the United Nations Commission on International Trade Law (UNCITRAL) – Regional Centre for Asia and the Pacific (RCAP); and the Thailand Arbitration Centre, in Bangkok, Thailand, on 8 April 2016.

"Arbitration Agreements under the UNCITRAL Model Law", at the UNCITRAL Model Law Workshop, co-organised by the United Nations Commission on International Trade Law (UNCITRAL) – Regional Centre for Asia and the Pacific (RCAP); and The Chartered Institute of Arbitrators (CIArb) East Asia Branch (EAB), in Shanghai, on 1 March 2016.

Noam ZAMIR

"Developments in International Investment Law in light of the Trans-Pacific Partnership", at the Asian Perspectives on Legal Globalisation: 13th Asian Law Institute Conference, organised by National University of Singapore & Peking University, in Beijing, PR China, on 19-20 May 2016.

Appointments

Surya DEVA

The UN Human Rights Council appointed Dr Surya Deva, an Associate Professor at the CityU School of Law, a Member of the UN Working Group on Business and Human Rights. He formally took this position on 1 May 2016 for an initial period of three year. Deva is a leading scholar on business and human rights. He is one of the founding Editors-in-Chief of the *Business and Human Rights Journal* (Cambridge University Press), and was recently invited by Edward Elgar to edit its *Research Handbook on Human Rights and Business*.

GU Minkang

GU Minkang is appointed as Associate Member of the Central Policy Unit of Hong Kong Government for one year from 13 September 2016 to 12 September 2017.

ZHAO Liang

Dr ZHAO Liang has been appointed as External Researcher of International Shipping Law and Policy Centre at South China Normal University in Guangzhou, China in 2016-2019. He is also an Overseas Editor of Chinese Maritime and Commercial Law Reports published by Informa UK.

Honours

Andra LE ROUX-KEMP

Awarded a Y-rating as a 'Promising Young Researcher' by the National Research Foundation (NRF) of South Africa after an international peer review of the quality and impact of Andra's research. Her Y-rating will be valid from 1 January 2016 to 31 December 2021 and NRF granted her access to incentive research funding for the duration of this period.



*The Editorial Board would like to thank Agnes Kwok, Xu Di as well as members of staff who helped in the preparation of the Newsletter.
Dr Peter Chan (Editor in Chief), Dr He Tianxiang, Ms Laveena Mahtani*