

# School of Law Newsletter



School of Law, City University of Hong Kong

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## Inside

Message from the Dean.....	1
Cooperation with Columbia Law School .....	2
Donation from Fu Tak Iam Foundation .....	3
Constitutionalism Conference .....	4
Boundless Global Legal Education .....	5
Eminent Speakers Lectures .....	6
Dean Delivers Lectures at United Nations .....	8
Intensive Seminar Course.....	9
LLB Admission Scholarship.....	10
Scholarships for International Students .....	11
Student Achievements .....	11
Mainland Legal Placement.....	13
G-LEAP Experience .....	14
Career Development of Students .....	14
PCLL Developments .....	15
Alumni Column.....	17
Faculty Publications .....	17
Upcoming Events.....	18

## Message from the Dean

In this issue of the Newsletter, I am happy to report that there has been a cascade of good news from our School.

Most recently, our students have made notable achievements in the Foreign Direct Investment International Moot Competition held in Boston in November. Our team was ranked sixth out of 20 teams.

Our School has entered into an agreement to collaborate with Columbia Law School to provide advanced legal education to judges from the mainland China. The agreement provides an opportunity for the Chinese judges, whom are admitted to the School's LLM programme, to study at Columbia Law School for one month. Columbia Law School will arrange a study trip to Washington DC for them to visit the US Congress, Supreme Court, Department of Justice, etc.



*Professor Wang Guiguo*

Making this collaborative project financially possible was a generous donation of over \$4.4 million by the Fu Tak Iam Foundation, providing full sponsorship for the tuition fee, study tour and living expenses of the Chinese judges enrolled in our LLM programme. A cheque presentation ceremony on 9 October 2008 was presided over by the President of CityU and the Chairman of Fu Tak Iam Foundation who considered this as the beginning of a long-term relationship between the Foundation and CityU.

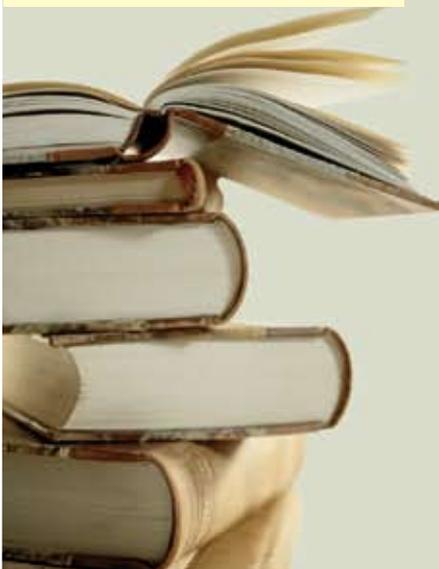
Our School is harnessing the digital technology to provide a series of video-link lectures by professors from Yale Law School and Oxford Law Faculty. Professor Michael Reisman of Yale Law School has just finished the first video-link course with our students in Semester A, which was a great success and highly praised by all the participants. Through this new initiative, students can learn from world-class professors and experience the teaching style and culture of top law schools without leaving the campus. It is an opportunity which is rare even for students in the US or UK.

Over the summer, a group of 39 students joined an exciting six-week China legal placement programme, giving them the chance not only to study Chinese law but also to visit legal institutions in Beijing and benefit from a short internship at the People's Court in Shanghai and Nanjing respectively. Under the Global Legal Education and Awareness Project (G-LEAP), another group of 49 students went to study for one month at Monash University, Australia. They appreciated the opportunity to study at Monash and acknowledged that this international learning experience was valuable for their personal and career development in future.

With the support of the University and concerted efforts of the colleagues, our School will continue to take steps to provide excellent legal education to our students and equip them with global knowledge, skills and perspectives.

Professor Wang Guiguo

Dean & Chair Professor of Chinese and Comparative Law





# CityU Law School and Columbia Law School Unite to Train Chinese Judges

The School of Law of CityU officially signed a mutual agreement with Columbia University School of Law (CLS) on 29 October 2008 to develop a training programme geared towards providing advanced legal education and improving the international exposure of Chinese judges. The agreement is another pioneering CityU partnership to help in the provision of globalised education through cooperation with topmost institutions.

Under the agreement, CLS will hold a one-month programme for 30 Chinese judges recommended by the National Judges College and selected by CityU School of Law. The course is one of the modules of the Master of Laws (LLM) programme for the judges.

“China’s judges are forging ahead in terms of professionalism and internationalisation,” said CityU President Professor Way Kuo. “CityU has been exploring various collaborative and exchange programmes to widen students’ global perspective and allow them to tackle challenges worldwide. I am sure the Chinese judges will benefit greatly from the joint course with CLS.”

Professor Wang Guiguo, Dean of the



(From left) Professor Way Kuo, Professor Brian Gibson and Professor Wang Guiguo

School of Law, said it was an honour to have CLS joining the programme. “CLS is among the oldest and most distinguished law schools in America, so their input is invaluable, while CityU is the third international institution to collaborate with CLS,” he said.

Professor Brian Gibson, Dean of International and Comparative Programmes of CSL, pointed out that the collaboration between CLS and CityU School of Law marked a milestone in globalised legal education for the two schools, “It is an historic moment with CLS extending its legal

education boundaries to Asia, exchanging ideas between professionals from two completely different legal systems.”

Under the agreement, the programme will commence in June 2009 with the Chinese judges visiting CLS. They will experience the common law system in the US through a series of classes, lectures and study visits. CLS will custom design a three-week course comprising three individual, week-long modules, each focusing on a different area of law. Throughout the four-week programme, CLS will invite current and retired US judges as speakers, as well as other judicial professionals and scholars, to address the participants. The students will also visit the US Supreme Court and receive a briefing at the US Department of Justice.

CLS, founded in 1858, stands at the forefront of legal education. The traditional strengths of CLS are in international and comparative law, constitutional law, administrative law, business law and human rights law with pioneering work in the areas of intellectual property, digital technology, sexuality and gender, and criminal law.



(From left) Mr Philip Dykes, Mr Andrew Liao, Professor Way Kuo, Professor Brian Gibson, Professor Wang Guiguo and Dr Gerard McCoy

By Jenny Kwan



## \$4.4 Million Donation for Education of Mainland Judges

CityU has received a donation of \$4.4 million from Fu Tak Iam Foundation as full sponsorship for the tuition fee, study tour and living expenses of 30 mainland judges taking the Master of Laws (LLM) programme provided by the School of Law.

The School of Law held a cheque presentation ceremony on 9 October 2008 in appreciation of the generous donation of the Foundation. Honourable guests in attendance included Mr Adrian Fu, Chairman of Fu Tak Iam Foundation, Professor Way Kuo, President of CityU, Professor Wang Guiguo, Dean of the School of Law, and Dr Simon Ip Sik-on, Chairman of the School's International Advisory Board.

"The Fu Tak Iam Foundation seeks to improve the quality of life across the spectrum of society," said Mr Fu. "Legal infrastructure is one of the key factors in promoting social, cultural and economic development. We truly believe that through mainland judges taking the LLM programme at CityU, long-term



(From left) Professor Way Kuo, Mr Adrian Fu, Professor Wang Guiguo and Dr Simon Ip

The LLM programme for mainland judges was a prime example.

"I believe the School's excellent staff and advanced teaching equipment, as well as their links with eminent overseas institutes, offer an entirely new opportunity and experience to the

missions of the School. Public recognition and the generous donation presented to us will help strengthen the School," he said.

Professor Wang shared with guests the School's vision. "Providing an international academic network to our students is a primary focus of the School. Widening students' scope of vision and letting them experience and compare the legal processes of different countries can enable them to face global challenges." He added that local students will also benefit from studying with the mainland judges.

The School of Law had signed an agreement with the People's Supreme Court of China and National Judges College in February 2008. Under the agreement, the School will admit 30 mainland judges to its Master of Laws programme each year so as to provide advanced legal education to the Chinese judges. Qualified in-service mainland judges will study in CityU for one year. CityU will arrange a one-month study tour for the judges to study a course at the Columbia Law School and visit the US Supreme Court and Department of Justice.

By Jenny Kwan



(From left) Professor Way Kuo, Mr Adrian Fu, Dr Simon Ip and Professor Wang Guiguo

developmental improvements can be made within the country."

Professor Kuo expressed CityU's gratitude to the Fu Tak Iam Foundation and added that the investment of resources in mainland China and improved cooperation was also beneficial to CityU.

mainland judges. The generous support of Fu Tak Iam Foundation will enable them to focus on their studies," Professor Kuo said.

Dr Ip thanked the Fu Tak Iam Foundation for their support of CityU. "Providing law education to the public is one of the



## School of Law Holds Conference on Constitutionalism in China



The School of Law of CityU hosted an international conference on “Constitutionalism in China in the past 100 years and its future” from 17 to 18 October 2008. Professor Han Dayuan, Chairman of the Chinese Constitutional Association, along with other renowned scholars and professional legal practitioners from mainland China, Taiwan, UK, USA, Japan, Singapore, Australia and Hong Kong shared their views on constitutionalism in China and on the differences between the constitutional traditions of China and those of other socialist countries.

This conference was part of the Distinguished Scholars Lecture Series of the School of Law jointly organised with its Centre for Chinese and Comparative Law. The speakers focused on the development of constitutionalism in China and comparative studies on the drafting of the constitution and its implications for China. The holding of such a large-scale conference on constitutionalism highlights the commitment of the School to promote research on Chinese and comparative law.

“The 100th anniversary of constitutionalism in China has profound implications,” said Professor Wang Guiguo, Dean of the School of Law. “The review and analysis of the background of the Constitution Act in China could provide insights to scholars who focus on research of the Act. It is an honour for the School to organise this conference and act

as a bridge between the legal practitioners of mainland China and Hong Kong.”



Professor Han Dayuan

Professor Han expressed gratitude to CityU for organising the conference and giving scholars and experts a chance to meet and further discuss this issue. He added that this year marked the 30th anniversary of the reform and opening-up of the mainland while, at the same time, the motherland has experienced several significant events such as natural disasters and the Olympic Games. Professor Han also noted that at this historic juncture, a review of the development of constitutionalism in China in the past century and its prospects was particularly meaningful to legal scholars.

“I think the meeting not only focused on issues concerning constitutionalism in China and its constitutional experiences, but also illustrated that these issues play an important role in the future of constitutional and peaceful development worldwide, therefore proving the close ties between China’s constitutional experiences and that of the rest of the world,” said Professor Han.

Professor Han is Chairman of the Chinese Constitutional Association; Standing Vice Dean of the School of Law of Renmin University of China (RUC); Director of the RUC Constitutionalism and Administrative Law Research Centre; and the Director of the East-Asia Legal Culture Research Centre of RUC. Professor Han specialises in constitutional and administrative law. His work, *Study on Asia’s Constitutionalism*, was awarded first prize in the scientific research results of the Ministry of Education of the People’s Republic of China.

Other participants in the conference included Mr Lo Pui-yin, Barrister, representative of the Hong Kong Bar Association, Professor Su Yeong-chin from the College of Law of National Chengchi University of Taiwan, and Professor Albert Chen Hung-yeek from the Faculty of Law of the University of Hong Kong.

By Ellen Chan



# Boundless Global Legal Education

The School of Law at CityU is piloting a series of video-link lectures with Yale Law School. Students will have the opportunity to learn from distinguished professors from all over the world in an initiative that is further testament to the quality of the School in providing a boundless world-class legal education.

As part of its commitments to internationalisation, the School of Law has entered into agreements with prestigious law schools, including Yale Law School in the United States and University College, Oxford in the United Kingdom. In Semester A of the 2008-09 academic year, Professor Michael Reisman of Yale Law School taught via video-link CityU law students a course on *International Investment Law*. In Semester B, Professor Adrian Zuckerman of the University of Oxford will teach a course on *Civil Procedure* through video-link lectures.



Video-link lecture by Professor Michael Reisman

technology and eminent scholars that transplants the international education culture into the local community.

Professor Wang Guiguo, Dean of the School of Law, said, "These video

an international legal environment."

"This is a historic moment for the creation of a virtual university in the globalised world. It is taking place amid growing acclaim for the School's unparalleled commitment to globalisation, innovation and professionalism. We are glad to be the pioneer in creating boundryless global legal education."

Founded in the early 19th century, the Yale Law School is a law school renowned as a centre of constitutional law, taxation, commercial law, international law, antitrust, and law and economics. In recent decades, the School has developed new strengths in comparative constitutional law, corporate finance, environmental law, gender studies, international human rights, and legal history, as well as an array of clinical programmes taught by a clinical faculty of exceptional breadth and devotion.

Source: CityU News Centre



As a first of its kind in Hong Kong, the real-time virtual lecture enables students to learn from world-class professors of Yale, Oxford and other top law schools without having to leave the local campus. Students will be able to experience the teaching styles of top universities. It is an innovative combination of advanced

lectures truly testify that CityU's legal education is of the highest international standards. It is the mission of the School to provide students with the best possible world-class education. The virtual lectures are designed to equip students with a global outlook and professional legal foundation to lead and work effectively in



## China's Foreign Affairs Deputy Commissioner Delivers Lecture on Chinese Diplomacy

The CityU School of Law hosted a lecture on 19 November 2008 entitled "Current International Situation and Chinese Diplomacy" featuring as speaker Mr Zhan Yongxin, Deputy Commissioner of the Ministry of Foreign Affairs of the People Republic of China (PRC) in the Hong Kong Special Administrative Region (HKSAR) and an expert on international relations and Hong Kong affairs.

The lecture was held under the aegis of the School of Law's Eminent Speakers Lecture Series. Mr Zhan analysed several aspects of the current international situation, including relationships between various countries, international issues and global economic concerns. He also discussed China's stance on major issues and the role of its diplomacy in global politics.



Professor Rao Geping

Mr Zhan said that, thanks to globalisation, all countries are more interdependent than ever, and have to confront many difficulties together, including financial crises, international terrorism, nuclear proliferation, energy and food shortages, climate change and environmental issues. All these problems are interwoven and complicated. "Autonomy, peace and cooperation are the three principles governing China's diplomacy. When



Mr Zhan Yongxin and Professor Wang Guiguo

China tackles those problems, it will try to formulate solutions with an overall view of the broader picture," said Mr Zhan.

CityU has always maintained close ties with mainland China and Mr Zhan's visit will further improve the faculty and students' understanding of Chinese affairs.

"Through the talk, students will gain a better grasp of international politics and economic development and widen their knowledge of Chinese diplomacy. This helps broaden their horizons and will benefit their future career," said Professor Wang Guiguo, Dean of the School of Law of CityU.

By Ellen Chan

## Mainland Law Expert Delivers Lecture on International Treaties

On 30 October 2008, the School of Law at CityU hosted a lecture on the "Application of International Treaties in Chinese Domestic Law" featuring as speaker Professor Rao Geping, Director of the International Law Institute of Peking University.



Professor Rao Geping and Professor Wang Guiguo

The lecture addressed the status of international treaties and their implications for Chinese domestic law. Professor Rao said China has fulfilled its international treaty obligations in good faith by using its domestic law as a base to implement the international treaties. "The courts in China will implement the international treaties as the situation requires. In general, China

will directly implement the treaties or transform them into domestic laws through legislation for implementation, and will directly apply international conventions in adjudications by China's domestic courts," said Professor Rao.

Professor Rao's visit is again illustrative of CityU's strong ties to mainland legal experts and served to strengthen ties between the two law schools.

"Through this talk, we will gain a deeper understanding of the situation regarding the application of international treaties in China and learn more about the mainland legal system," said Professor Wang



Professor Rao Geping

Guiguo, Dean of the School of Law.

Professor Rao specialises in international organisation law, international aspects of the legal systems of Hong Kong and Macau and the Basic Law of Macau. Professor Rao is Director of the Peking University International Law Institute, and Director of Peking University's Research Centre for Law in Hong Kong, Macau and Taiwan. He is also Deputy Director of the Institute of Hong Kong & Macau Affairs, Development Research Centre of State Council, PRC, and a member of the Committee for the Basic Law of Hong Kong SAR, the Standing Committee of the National People's Congress, PRC.

By Ellen Chan



## School of Law Hosts Lecture on East Asian Economy

The CityU School of Law hosted a lecture entitled “East Asian Economic Community: Prospects and Challenges” on 25 September 2008. The guest speaker was Professor M Supperamaniam, Adjunct Professor of International Islamic University of Malaysia, and former ambassador and permanent representative of Malaysia to the World Trade Organisation in Geneva, Switzerland.

In her welcoming address, Ms Charu Sharma, Lecturer and the Seminar coordinator at the School of Law, said, “We are very grateful to have Professor Supperamaniam, who is such a renowned economist, deliver this lecture for us. I am



(From left) Professor Park Noh-young, Professor Wang Guiguo and Professor M Supperamaniam,

sure it will provide considerable insight into the regional economy.”

Professor Supperamaniam offered an analysis of the economic situation of China, Japan and South Korea, the three largest East Asian economies. “The five main factors driving the growth of East Asian economies are as follows: an increase in entrepreneurial activity in the region; undertaking economic reform that encompasses the free market system; market integration that improves the division of labour; the economic growth of China; and government policies that support trade and investment,” said Professor Supperamaniam. “As we can see, policy makers play an important role within the economic community.”

Among others, Professor Noh-young Park, Vice-President for Academic Affairs and Professor of International Law of Korea University, and Professor Wang Guiguo, Dean of the School of Law, attended the lecture.

By Jo Kam

## Oxford Law Expert Delivers Lecture on Civil Justice Reform

The CityU School of Law and the Faculty of Law of the University of Hong Kong co-hosted a lecture entitled “The Challenge of Civil Justice Reform: Delivering Law Enforcement at Proportionate Cost and in Reasonable Time” on 9 September 2008. The speaker was Professor Adrian Zuckerman, Professor of Civil Procedure at the University of Oxford, who is acknowledged as the foremost English expert in the field.

The lecture, under the aegis of the CityU School of Law’s Eminent Speakers Lecture Series, is illustrative of CityU’s strong ties to top institutions and professionals around the world.

“The challenge of civil justice reform is not unique to Hong Kong, but the lecture is of utmost significance in the context of Hong Kong, as we will have civil justice reforms implemented soon. I am sure Professor Zuckerman’s experience can provide us with fresh and incisive ideas on the subject,” said Professor Wang Guiguo,



(From left) Professor Johannes Chan, Professor Adrian Zuckerman, Mr Justice Reyes and Professor Wang Guiguo

Dean of the School of Law. “It is also an honour to have this collaboration with the Faculty of Law of the University of Hong Kong” he added.

Professor Zuckerman agreed that the timing of the lecture was quite pertinent for Hong Kong, where civil justice faces challenges. “The defects we identified were quite predictable, in that they were very much the same as every other Commonwealth jurisdiction. The inefficiency was mainly brought about by

the costly litigation and procedures not being handled expeditiously. Because of these uncertainties, the outcome cost of litigation was largely unpredictable,” said Professor Zuckerman.

Mr Justice Anselmo Reyes, Judge of the Court of First Instance, High Court, offered comments on the lecture delivered by Professor Zuckerman. Among other guests were Professor Wang Guiguo and Professor Johannes Chan, Dean of the Faculty of Law, University of Hong Kong.

The public lecture by Professor Zuckerman was followed by a Seminar on Civil Justice in Asia: Recent Developments held on 10 September 2008. The Seminar was jointly organised by the Faculty of Law, University of Hong Kong and the School of Law, City University of Hong Kong. Several legal scholars from HKU and CityU presented papers to review various aspects of civil justice reforms in China, India and Hong Kong in a comparative perspective. Professor Michael Wilkinson gave the welcoming address, while the opening address was given by Professor Zuckerman. An important facet of the Seminar was that it examined critically the role and place of public interest litigation within the framework of civil justice delivery.

By Sharon Ng



## Dean Delivers Lectures for United Nations International Law Fellowship Programme



*Professor Wang Guiguo lectures at United Nations*

Professor Wang Guiguo, Dean of the School of Law, was invited by the United Nations to give lectures at its International Law Fellowship Programme, which was held from 7 July to 15 August 2008 at The Hague, The Netherlands. Professor Wang was the first Chinese scholar to have been invited and his lectures on International Trade Law and Multilateral Trading System were delivered during the period from 21 to 24 July 2008.

Participants of the programme were high ranking government officials and legal professionals from developing countries, such as mainland China, Brazil, Ecuador, Gambia, Iran, Mexico, Nepal, Sri Lanka, South Africa and Turkey. Distinguished speakers of the programme this year included Professor Sharon Williams from the Osgoode Hall Law School of Canada, Professor Guy Goodwin-Gill from the Oxford University of UK, Professor Bernard Oxman from the University of Miami, Professor Gerhard Hafner from the University of Vienna, and Professor Sornarajah Muthucumaraswamy from the National University of Singapore.



*Professor Wang Guiguo (front row, middle) and the participants*

Professor Wang's lecture covered the impact of WTO law on the laws and legal systems of members of the WTO; the key elements, possibilities and trends in formation of an international society governed by the rule of law; the effectiveness of the current multilateral trade system and the means to improve it; the differences between the prescriptions of international mechanism and national law and system in relation to anti-

dumping measures (including subsidy and counter-railling measures); the role and function of the common law rules and procedures in dispute resolution of the multilateral trade system; and the formation and impact of case law of international trade.

Professor Wang, who was also the first Chinese recipient of a scholarship from the United Nations International Law Fellowship Programme many years ago, was pleased with the invitation, "It was my honour to be invited as the speaker this time. Through this programme, the participants have deepened their understanding on international trade law and learnt how to develop a fairer trade partnership with other countries. This programme also provided an opportunity for them to know more about China, Hong Kong, as well as the School of Law of City University of Hong Kong."

Apart from teaching and exchange of views on legal development with

distinguished pundits, Professor Wang met judges of the International Criminal Court and officials from the United Nations. The School is considering to nominate students to join the internship programme of the International Criminal Court. The internship opportunity will widen the perspective of students and give them an exposure to international experience.



## School of Law Introduces Intensive Seminar Course

Beginning from this academic year, the School of Law has introduced a new law elective course entitled Intensive Seminar for LLB students. Under this umbrella course, short intensive law courses by leading foreign legal scholars will be offered. It is hoped that these seminar courses will allow students to broaden their knowledge in emerging areas of law to meet the challenges of working in a global environment.

Professor Roger Hood is teaching the first such intensive course. The subject is Capital Punishment in International Perspective. Professor Hood, the author of *The Death Penalty: A World-wide Perspective* (fourth edition with Carolyn Hoyle, 2008) has been a consultant to the United Nations and to NGOs on this subject and is a member of the UK Foreign Secretary's Death Penalty Advisory Panel. He is Emeritus Professor of Criminology at Oxford University, Emeritus Fellow of All Souls College Oxford, an Honorary Queen's Counsel and a Fellow of the British Academy.

Professor Hood said, "I am delighted to have been invited by the Dean to inaugurate this type of intensive course, which, in my case, is aimed to stimulate students to discuss a vital, yet controversial, issue of international human rights, namely whether abolition of the death penalty should be considered as an aspirational international norm or as a matter solely determined by each country's criminal justice policy."

Professor Hood encouraged students to consider the factors determining the pace of abolition; the realities of capital punishment when put into practice; the scale of executions; the problems of arbitrariness, discrimination and error in its application; the evidence relating

to the death penalty's assumed special deterrent effect; the role of public opinion; and the problems of finding a suitable alternative. Evidence is drawn from around the world, but particular attention is paid to the situation in China, Taiwan and the USA.



Professor Hood noted, "I am encouraged by the interest shown by the first students to take this course and I hope that, whatever their prior views on this subject, it has widened their knowledge and made them more capable of critically examining the arguments and evidence both in favour and against the abolition of capital punishment as an international human rights goal. While I personally support this goal and hope that students will come to appreciate its merits, my main aim is to encourage them to think for themselves. This is why student participation in the discussion is so important."



Professor Roger Hood (5th from left) and the students

Tse Yin Fung, a Year 2 LLB student, is glad that the Law School has introduced this course exploring Capital Punishment. Commenting on the course, he noted that "the course is conducted in a tutorial group style, giving students a chance to ask questions or to express their views on the subject." While he appreciated hearing the different views expressed in the class, nevertheless, he argued that the death penalty is necessary in all murder cases, because, in his view, the accused has "lost the right to his life when he took the life of another."

So Wing Winky, a Year 4 LLB student, appreciated how this course encouraged students to formulate and express their own opinion on the subject. Mr So would like to see a global abolition of capital punishment but acknowledges that there is a long way to go before such a goal could be realised.

The next intensive course on Terrorism, International Law and Human Rights will be offered by Dr Ben Saul in January 2009. Dr Saul is a Senior Lecturer and Director, Sydney Centre for International

& Global Law at the Sydney Law School. His book, *Defining Terrorism in International Law* (Oxford University Press: Oxford, 2006), is the first scholarly work on the subject.

By Dr Surya Deva



# School of Law Awards the First LLB Admission Scholarship

On 21 October 2008, the CityU School of Law held the Awards Presentation Ceremony for the LLB Admission Scholarship. The Admission Scholarship is for students admitted to the CityU LLB Programme through the Joint University Programmes Admissions System (JUPAS). The scholarship demonstrates the School's outstanding intake quality and commitment to cultivating outstanding students.

The two recipients of the new Admission Scholarship were Yip Man-kit of La Salle College and Eutonia Chen Yuen-tung of St Stephen's Girls' College. Both were granted HK\$50,000. Eutonia was also awarded the HK\$40,000 CityU A+++ Scholarship. Both students scored outstanding Hong Kong Advanced Level (HKAL) examination results and participated in extra-curricula activities to enhance their academic knowledge and cognitive and social skills.



(From left) Professor Way Kuo, Mrs Margaret Chan, Mrs Jenny Nam, Miss Eutonia Chen, Mr Yip Man-kit, Mr Wong Yen-kit and Professor Wang Guiguo

their studies and had helped ease their financial burden. "This scholarship has been like an injection of energy to encourage me to perform the best I can," said Eutonia.

Scholarship during their first year at the University.

Professor Wang Guiguo, Dean of the School of Law, said, "The aims of the Admission Scholarship are to accept more talented students who have a strong desire to study law and to nurture more potential talents for the local legal fraternity. The first-introduced Admission Scholarship attracted many applications from distinguished students, showing that there is a continuous improvement in the quality of incoming CityU School of Law students."

"Caring for students is our commitment, welcoming challenges is our character, and equipping students with globalised knowledge, skills and experience is fundamental to the structure of our legal education," Professor Wang added.

By Jenny Kwan



Miss Eutonia Chen and Mr Yip Man-kit

"The scholarship motivates me to perform better and lessens the financial stress on my family," said Yip Man-kit. "My sister and I are able to dedicate ourselves to further studies and complete our degree courses. It also highlights the commitment of CityU School of Law in acknowledging students' achievements and motivating them to do the best they can."

Professor Way Kuo, President of CityU, said, "It is an enjoyable moment having two bright young students join the CityU family with Admission Scholarships for their excellent academic achievements, matched only by their ambition to develop even further. I hope they work hard to ensure their campus life is fruitful."

Both scholarship recipients said the scholarship motivated them to focus on

The LLB Admission Scholarship was first established this year and is open to first-year undergraduates with outstanding academic results and a good track record in extra-curricula activities. The applicants must select the Bachelor of Laws programme offered by CityU School of Law in JUPAS's Band A choice and be nominated by their school principals. Successful applicants who pass an interview with CityU School of Law are awarded the HK\$50,000 Admission



## International Students Receive Scholarships to Study LLB

In line with CityU's aim to attract more top-quality international students, the CityU and School of Law have joined hands to award scholarships to outstanding international students who are admitted to study law at the School of Law. This year, two international students, one each from India and Myanmar, were awarded tuition fee waiver scholarships to complete their LLB studies. In awarding the scholarships, special consideration was given to the past academic performance and the economic circumstances of these international applicants.

Vimal Sadhwani, one of the scholarship recipients, said: "I was the happiest boy in the world when I came to know that CityU has awarded me a scholarship. This scholarship would help me to concentrate harder on my studies. Apart from making my curriculum vitae look more impressive, it has also enabled me to fulfill my dream of studying in a prestigious university overseas."

The other scholarship recipient, Khoe Reh, sees this scholarship as an opportunity to study law and then contribute to the development of the rule of law in Myanmar, his home country. "I have always been determined to study law, but my hope and dreams were deferred for a long time due to many obstacles. But now the CityU and the School of Law have helped me to fulfill my dream to participate in the struggle for establishing the rule of law in Burma." Khoe Reh also observed, "My community has many expectations from me as I am the first person from the Karenni community to study law in university and I will try my best to fulfill those expectations after completing my LLB studies."

The School has also admitted several



*Vimal Sadhwani and Khoe Reh*

exchange students from countries such as Norway, Canada, Sweden, and the mainland China. It is hoped that the presence of students from various jurisdictions with different backgrounds will further enhance the learning experience of CityU law students.

*By Dr Surya Deva*

## Law Students Excel in International Mooting Competitions

Six School of Law students have received prestigious prizes at four international mooting competitions, showcasing their strength and the international standard of education at CityU. To acknowledge their success, the School held a certificate presentation ceremony attended by Professor Way Kuo, CityU President, and Professor Wang Guiguo, Dean of the School of Law.

The award-winning students are: Jeffrey Gabriel Yu Sichon received second prize in the Best Oralist category of the Hong Kong Regional Round of the Philip C Jessup International Law Moot Court Competition; Barbara Kwok Hei-yin,

Tammy Liao Kit-ying and Man Ho-yin were honoured as a Top 10 Memorial Team in The Red Cross International Humanitarian Law Moot; So Wing gained an Honourable Mention in the Best Individual Oralist section of The Willem C Vis International Commercial Arbitration Moot; and Juno Pang Kit-lai earned an Honourable Mention in the Best Oral Advocate category of The Willem C Vis (East) International Commercial Arbitration Moot.

Professor Kuo was delighted to see the hard work of the students earning international praise. "Their awards in



*(From left) Man Ho-yin, Barbara Kwok Hei-yin, Professor Way Kuo, Professor Wang Guiguo, Tammy Liao Kit-ying and Jeffrey Gabriel Yu Sichon*

such tough competition obviously bring personal satisfaction, but their attainments also cast a positive light on CityU as a university of world standing."

Professor Wang was also appreciative of the students' achievements. "The awards our students received in the various competitions reflect their excellence. I wish them even greater success in the future and hope they will devote what



they have learned to the betterment of society,” he said.

The annual Philip C Jessup International Law Moot Court Competition is known as the world’s most prestigious international simulated court proceedings competition. Jeffrey Gabriel Yu Sichon, a Juris Doctor student, won second prize for Best Oralist in an intense competition. “I spent a great deal of time preparing for the competition, but it was worthwhile. During the competition, I had to debate in front of an international audience. This valuable experience has enhanced my confidence in public speaking,” said Jeffrey.

The Red Cross International Humanitarian

Law Moot was the first such international competition staged in the Asia-Pacific region. The team of Barbara Kwok Hei-yin, Tammy Liao Kit-ying and Man Ho-yin said that at the School, they had acquired the communication skills and research methods that led to their success.

The Willem C Vis International Commercial Arbitration Moot originated in Vienna and is today the largest international arbitration competition on international trade law. Participating students were required to debate at least four times in front of internationally-renowned arbitrators. So Wing won an Honourable Mention for Best Individual

Oralist. “My debating technique improved markedly. The training at the School showed me that law is not only a set of theories and rules but a tool that can be used to serve the community,” he said.

The Willem C Vis (East) International Commercial Arbitration Moot took place in Hong Kong. Juno Pang Kit-lai received an Honourable Mention for the Best Oral Advocate. “Participation in the competition gave me a chance to broaden my horizons by getting in touch with law professionals and students from different countries,” she said.

*By Jo Kam*

## LLB Students Chosen for Global Citizenship Programme

Two LLB students, Wong Hoi-yi and Ng Kam-kay, were selected by the Dragon Foundation to participate in the Global Citizenship Programme in Switzerland and the US this year. Under the theme “Ethical Interdependence”, the delegations took part in discourse relating to globalisation and the responsibilities of global citizens.

The annual programme has been organised by the Dragon Foundation and the Institute of International Education since 2004. It aims to foster students’ understanding of global citizenship, raise their awareness of global issues and develop leadership skills.



*Ng Kam-kay (2nd from left) and Wong Hoi-yi (middle)*  
Wong Hoi-yi went to Geneva from 6 June to 13 June 2008. She visited international institutions such as the International Red

Cross, United Nations and World Trade Organisation, to explore human rights and fair trade issues. She also took part in cultural exchange activities with host students.

Ng Kam-kay and three other CityU students were delegates to New York from 20 June to 27 June 2008. They visited the United Nations, a global advertising company and international financial media firms. Each of them met professionals from different industries to explore the topics of creativity and environmental protection.

They expressed the view that the programme had improved their understanding of global issues such as globalisation, environment protection and the logistics of international institutions.

*By Eliza Lee*

## PCLL Student Receives Scholarship to Study at Indiana University

Miss Ho Po-wan, a PCLL and JD graduate of CityU School of Law, was admitted to the Master of Laws (LLM) programme for foreign lawyers at the School of Law

of Indiana University with a merit scholarship award.



# Law Students Experience Mainland Legal System

**T**hirty-nine of us from the School of Law this summer joined the six-week long China legal placement programme to study Chinese law, visit legal institutions in Beijing and gain work experience at the Intermediate Courts and Local People's Courts in Shanghai and Nanjing.

The China legal placement programme was organised by the School of Law as a bridge to narrow the gap between the legal systems of Hong Kong and mainland China.

Under the arrangement, we attended a daily three-hour class for the first two weeks to study Chinese law at Renmin University of China. Apart from Chinese law, the professors often digressed to cover issues such as terrorism and their views about the mainland, Hong Kong and Taiwan.

After class, we visited the Supreme People's Court of China and other administrative offices in Beijing. We also explored the country's scenic spots, such as The Great Wall and Tiananmen Square.

Two groups then travelled by train to either Shanghai or Nanjing, where we worked in either the Intermediate Court or Local People's Court. The working day ran from 9am to 5pm, and involved following judges and listening to how they judged each case. We also discussed the cases before and after the hearings.

The cases tried in China were similar to those in Hong Kong. One major difference is that the judges in China are much more vocal than those in Hong Kong. Sometimes the judge spoke for the majority of the time, while the lawyers only responded to the judge's questions.

Some of the civil cases were quite trivial and should not have been tried but due to



history is, in fact, responsible for shaping today's legal system.

Another great benefit of the programme was the availability of networking opportunities. During the course of the internship, we were accompanied by judges from various courts, as well as local students who

were currently studying master courses in law at local universities. Together we discussed many legal issues, such as the differences between the two legal systems under the "one country, two systems" principle.

The School of Law has done a great

the relatively inexpensive court fees, more simple cases reached the courts. Through the course of the legal placement, we were also provided the opportunity to learn about procedural law, thus enhancing our overall knowledge of the legal system.

During the free time, students spent time visiting the city and exploring the nightlife and breathtaking tourist attractions. The trip allowed us to acquire a better understanding of China's history. This is especially relevant, as China's

job with the China legal placement programme, which is now in its second year. We would also like to thank the Chinese General Chamber of Commerce which provided a sponsorship of HK\$150,000 under the Inter-exchange Programme for Tertiary Students 2008 to the School's full-time students.

*By Andrew Wan Kar-yuk (LLB Year 3 student) and Fiona Chan Tsz-yin (Juris Doctor Year 2 student)*



# G-LEAP Experience at Monash University

The Global Legal Education and Awareness Project (G-LEAP) of summer 2008 offered CityU law students the chance to study intellectual property (IP) law at Monash University in Melbourne, Australia. The one-month study programme was a golden opportunity to improve our understanding of a jurisdiction outside Hong Kong. It also allowed us to get to know Australia and our classmates. The trip was not only educational but also fun and memorable.

The four of us acted as student volunteers for a group of 50 G-LEAP students, assisting in matters such as roll calls, room and tour arrangements, liaising with Monash University and corresponding with the School of Law back in Hong Kong. It was a most rewarding experience for all of us.

The course focused on the Copyright Act within the scope of the IP laws of Australia. Students attended classes three times a week, comprising two mornings and one full day. The interactive tutorials requiring students to think spontaneously on a hypothetical question and to present an answer within a limited timeframe were challenging and provided good training.

We stayed and studied at the university campus in Melbourne's south-eastern suburb of Clayton for the first two weeks. The rural environment with its trees, fields and beautiful lake was certainly a scene unfamiliar to many Hong Kong students. However, moving to Uni-lodge and attending classes in the Law Chambers in the Melbourne city during the last two weeks was a blessing to those who prefer a more dynamic lifestyle.

There was more to Monash than study. In the free time or at weekends, students enjoyed fine dining and shopping in the city of Melbourne, explored scenic country locations such as the Great Ocean Road and Phillip Island, tried gold panning, and visited Melbourne Zoo to see kangaroos and koalas.

Some even managed to fly to Sydney and Canberra during the long weekend, while the studious ones took time to visit the Melbourne Supreme Court or State Library of Victoria, both of which are impressive examples of Victorian architecture.

The School of Law has done a great job in launching G-LEAP to broaden the horizons of CityU law students. It has also been responsive to problems



encountered by students during the trip. G-LEAP is far more than Australian IP law. We had the opportunity to practise English in an English-speaking country, learning to be independent and getting to know our peers better through living together - all assets for our future.



G-LEAP is a programme that provides an opportunity for law students to study in overseas universities for one month. Apart from Monash University, the School of Law has also signed an agreement with the University College, Oxford, UK, and around 30 law students will spend a month studying at the College in July 2009.

*By Lam Ka-men, Timothy Webster Yan-chi, Wu Wai-sun, Hui Man-hei (LLB Year 2 students)*

## School of Law Supports Career Development of Its Students

In November 2008, the School of Law launched a new project, Career Development and Planning Services (CDPS), to provide systematic and structured support to the career development needs of its LLB and JD students. Ms Sushma Sharma, who is a Teaching Fellow at the School and has the experience of working in top US law firms, is coordinating the project. On 13 November 2008, Ms Sharma conducted the first seminar of CDPS in which she talked about resume building and resume drafting. Students were also advised briefly on how they should change their approach for getting a job

in the current market situation.

CDPS will organise a series of lectures and seminars in 2009 on topics such as cover letter drafting, interview preparation (questions, techniques, etiquette, etc.), and various career options available to law students. Some of these seminars would be delivered by guest speakers. It is hoped that CDPS will prove useful to our law students in assisting them in their development as professionals.

*By Dr Surya Deva*



## Restructured PCLL Programme Focuses on Skills

The Postgraduate Certificate in Laws (PCLL), at the CityU School of Law, is a key programme allowing law graduates to qualify as a Hong Kong lawyer. Successful completion of the PCLL entitles the graduate to work as either a trainee solicitor or a pupil barrister. Five electives will be introduced next semester, starting in January 2009, to further refine and complement the skills and knowledge acquired in the eight compulsory core courses. The programme was restructured in September this year to provide an even greater emphasis on the requisite practical skills required for legal practice.

The changes were instigated in response to the transition to a four-year undergraduate law degree. This allows undergraduate students to study subjects in addition to those comprising the three-year LLB, which previously formed part of their PCLL. From September 2008, it is a requirement for all students seeking entry to the PCLL offered at the three local universities to pass 11 core subjects instead of the previous eight. This change allows the PCLL to focus on preparation for practice, by placing the emphasis on “how to do” legal transactions, rather than focusing on “what is the law”.

The Civil and Criminal Practice and Procedure course has been renamed Civil and Criminal Litigation Practice. Instead of civil and criminal procedure law, the students have exercises in civil and criminal litigation practice. Teaching has now shifted from focusing on the various Ordinances and court Rules to the actual litigation process. Similarly, the Commercial Law and Practice course has now been transformed into Corporate and Commercial Practice, with the same guiding principle applied.

The programme deliberately focuses on teaching generic skills and tasks in certain core “skills” courses. These courses include Legal Writing and



*Mr Michael Sandor*

Drafting; Advocacy, Interviewing and Negotiation; and Intensive Advocacy. The skills learned in those courses are shared and applied in the other courses in the programme to ensure that students are well prepared for the tasks their employers assign them or those required of them as barristers.

The five new electives introduced by the School in January 2009 are Foundations in Mainland Related Legal Transactions, Bar Course, Litigation Practice II, Understanding Financial Statements, and Mediation Practice.

Foundations in Mainland Related Legal Transactions will train students to deal with basic mainland-related matters that Hong Kong lawyers could expect to encounter in their practice. Bar Course and Litigation Practice II are for students becoming pupil barristers or trainee solicitors involved in litigation practice. Mediation Practice is very much in demand by the students as a result of a statement by the Hon Mr Justice Andrew Li Kwok-nang, Chief Justice of the Court

of Final Appeal, that disputes need to be resolved if possible without litigation.

“The restructured programme is aimed at providing the students with a focus on how to become effective graduate practitioners of the law, by exposing them to the sorts of skills they must possess when they finally practise. This is achieved through exercises that require the application of those skills and even more interactive work in classes than was previously included in the programme,” said Mr Michael Sandor, PCLL Programme Leader at CityU School of Law.

The School held an introductory briefing for more than 20 legal firms in October 2008 to present the new features of the programme. “CityU and the School want to continue to build on their strong reputation in the legal profession for producing sound and valued CityU graduates of the PCLL programme,” added Mr Sandor.

*By Sharon Ng*



## Presentation to Law Firms on PCLL Changes and Restructuring for 2008–09

The School of Law held a PCLL function on 14 October 2008. Professor Christopher Roper, the School’s consultant for legal education development, gave a presentation about the changes and re-structuring of the PCLL programme to the guests – recruitment partners and human relations officers of a number of local and international law firms.



*Presentation by Professor Roper to law firms*

Professor Roper is co-author of the Redmond-Roper Report on “Legal Education and Training in Hong Kong”, which has significantly influenced the development of legal education and PCLL programmes in Hong Kong.

Professor Roper, who has had an international career as a Legal Practice Course (‘LPC’) leader and as a consultant,

gave the audience an excellent picture of the “whole” approach that the CityU PCLL programme now takes, the thought that has gone into the new developments, and the content of the new electives. He emphasised the special qualities of the programme, of the PCLL team, and the strengths in advancing the practical skills of the students through the small groups

experience at CityU. With classes of no more than ten students and the testing demands made of the students in those small groups, their learning experience is outstanding compared to that experienced in other universities and LPC programmes overseas.

The invited guests actively participated in the discussion afterwards and shared useful suggestions for the programme with the School’s teaching staff. All found it an extremely useful session.

The function was greatly supported and was attended by a number of law firms’ representatives including Allen & Overy, Barlow Lyde & Gilbert, Clifford Chance,

Clyde & Co, Deacons, Haldanes, Herbert Smith, Kan & Co, Fred, Linklaters, Mayer Brown JSM, ONC Lawyers, Orrick, Herrington & Sutcliffe LLP, Richards Butler, Robertsons, and Woo, Kwan, Lee & Lo.

*By Michael Sandor*

## Year end Dinner – PCLL Sprinkled Spells on a Night of Magic

“Back to the 60’s – Bring Your Mojo to PCLL” was the theme for the 2007–08 PCLL End-of-Year Dinner, which took place at the United Services Recreation Club, King’s Park on 16 May 2008.

The magical night opened with a parade of creativity and whacky wildness as the students and the teaching staff arrived in their colourful, crazy and charming outfits. There were Austin Power and Foxy Cleopatra, Hippies and Beatles, Princesses and Divas, as well as Hong Kong’s famous film stars from the 60’s. Everyone had a fun time taking photos and trying to recognise each other in their costumes.

Highlights of the night included a showcase of hidden talents from the students performing hip hop dancing and singing. Stimulating games and competitions such as action marathon and trivia were also the night’s favourites. Table prizes and a lucky draw were organised so that no one left the dinner empty-handed.

The night ended on a high note with Dr Barry Slutsky and Mr Anthony Upham’s memorable remake of Frank Sinatra’s “My Way”, and a closing speech by Mr Michael Sandor, PCLL Programme Leader, who gave students encouragement and wished them the best of luck for their future endeavours.



In memory of the Sichuan earthquake the students also raised \$5,142 for donation to the Red Cross in an effort to help those in need.

Everyone had a blast on the night. The successful event left the students and the teaching staff with fond memories of celebration after a year of hard work.

A note of thanks to the members of the End-of-Year Dinner Committee for their selfless effort in organising the dinner, and to the School of Law for its gift sponsorship for the night.

*By Yorkie Au Yeung*



## Alumni Association Annual Dinner

The Alumni Association held its 6th Annual Dinner on 14 November 2008 at the Chiu Chow Garden Restaurant in the Vicwood Plaza of Sheung Wan. It was great fun!

We had teaching staff, alumni (ranging from the class of 1991 to 2007), and students in total of 82 people attending the Annual Dinner. The Master of Ceremony was Mr Peter Chiu, a Year 2 LLB student. The Annual Dinner started with a speech by Mr Tommy Wong, Chairman of the Alumni Association, followed by a speech



Professor Wang Guiguo and Mr Tommy Wong

given by Professor Wang Guiguo, Dean of the School of Law of CityU. The alumni had an opportunity to learn from the Dean that the School will invite senior judges from mainland China to study for one month at CityU. The Alumni Association is looking forward to a possible gathering between the judges and the alumni.

During the dinner, we invited a couple of alumni who graduated from the class of LLB 1991 to share their good old days in the School. Without an agenda and expectation, more alumni took their initiatives to share their experience in the School starting from Ms Vivien Chan (LLB 1992) and down to recent graduates from the PCLL 2006 and we even had current students to share the same with us. It was a memorable night for the alumni to catch up with their old friends and meet the new ones. More importantly, the alumni had an opportunity to know more about the recent developments of the School and reflect on how to contribute back to the School.

By Tommy Wong



## Selected Faculty Publications

### Bjorn AHL

德國公法導論, 北京大學出版社 (*Introduction to German Public Law*) (in Chinese), Beijing University Press, 2008, 172 pages.

### Surya DEVA

"From 3/12 to 9/11: The Future of Human Rights?" in Sujatha D (ed.), *Fight Against Terrorism: Legal Responses*, The ICFAI University Press, 2008, pp 145–160.

### GUAN Wenwei

"The Poverty of Intellectual Property Philosophy", 38 *Hong Kong Law Journal*, 2008, pp 359–397.

### HE Xin

「離婚法實踐的常規化 (Routinization of Divorce Law Practice in China)」, 《北大法律評論》(*Peking University Law Review*), No. 2, 2008, pp 115–134.

「為什麼法院不受理外嫁女案件?」(Why the Courts did not Take MOW Cases?) 《法律與社會科學》(*Law and Social Sciences*), No. 3, 2008, pp 66-97. Reprinted in 《中國社會科學文摘》(*China's Social Science Digest*) · No. 12, 2008.

### Stefan LO

"Consumer Remedies for Misleading or Deceptive Marketing Practices: Reform of the Law in Hong Kong", 37 *Common Law World Review*, 2008, pp 117–146.

"Limitations in the Regulation of Unfair Marketing Practices in Hong Kong", 7 *Journal of International Business and Law*, 2008, pp 77–113.



**Rohan PRICE**

*Property Law In Principle*, 2nd ed, 2008, Thomson Reuters, Sydney, i-xxxii; 401 pages (co-authored with Lynden Griggs).

*Employment Law In Principle*, 3rd ed, 2008, Thomson Reuters, Sydney, i-xxxiii; 380 pages.

“No Safe or Reliable Substitute’: The Hostility of British Unions to State Regulation of Wages, 1920–1935”, 73:2 *British Labour History Review*, 2008, pp 208–227.

“Remedies for Employment Termination in Australia: A Case of One Door Closing and Another Opening?”, 16:2 *Asia Pacific Law Review*, 2008, pp 197–218.

**Rajesh SHARMA**

“Moving Towards Forming Free Trade Area for Facilitating Trade and Investment Among Portuguese-Speaking Countries”, 4 *Journal of Juridical Science*, 2008, pp 181–191.

“Language and the Legal System” in Braj Kachru et al (ed.), *Language in South Asia*, Cambridge University Press, 2008, pp 361–376 (co-authored).

**Steven WAN**

“Gatekeeper Liability Versus Regulation of Wrongdoers”, 34 *Ohio NU Law Review*, 2008, pp 483–522.

**WANG Guiguo**

“Globalizing the Rule of Law”, 48:1 *Indian Journal of International Law*, 2008, pp 21–44.

## Upcoming Events

8 and 9 January 2009	School of Law Retreat and 2nd Meeting of the International Advisory Board
22 January 2009	Inauguration of the LLM Programme for Chinese Judges
31 March–2 April 2009	International Conference on “Teaching Law in the Modern Global Business Environment”, a biennial conference of the Commonwealth Legal Education Association sponsored by the City University of Hong Kong

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