

SCHOOL OF LAW

Newsletter

VOLUME 8 NO.1 • JUNE 2013



Vis Moot 2013 **Winner**



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Published by School of Law, CityU, Tat Chee Avenue, Kowloon Tong

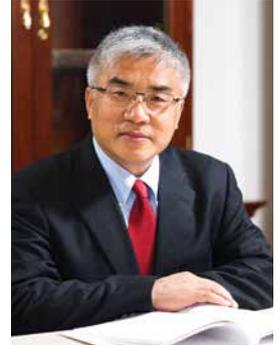
Designed and printed by City University of Hong Kong Press

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MESSAGE FROM THE DEAN

Globalization is the main trend of the contemporary world. In order to prepare law students to cope with the evolving world, legal education must be in step with the trend of globalization. As a legal education provider, our School tries to seize every opportunity to equip our students with the necessary knowledge, skills and experience for future challenges. In order to achieve these aims, we offer a range of Gateway Education courses in collaboration with other Faculties to augment students' breadth of knowledge, encourage interdisciplinary learning, and facilitate the free exchange of ideas among students and teachers. As part of the efforts, our students have opportunities to join the one-month study programmes at Columbia University, Oxford University College and Monash University. They may also take part in our double LLM degree programmes with Vienna University and University of Paris 1. Another unique feature of our School—also an opportunity for our students—is that they have plenty of opportunities to share their experience with Chinese judges; the School admits 30 Chinese judges into our LLM programme and more than 20 senior Chinese judges into our JSD programme plus another 60 senior Chinese judges for a short term study programme.



Consistent with our emphasis on meeting the challenges of globalization, our School has developed and refined a mobile teaching and learning strategy by equipping our students with iPads to aid their studies. This is not only in line with the world trend of interdisciplinary education but is also an effort to create sustainable development.

Another prominent feature of our School is the regular convening of international conferences and lectures by eminent academics. By conducting such initiatives, global views and voices can converge. Among the more prominent of these occasions were the International Conference on Judicial Independence and Globalization, co-organized with the Hebrew University of Jerusalem and the Centre for Public Law, University of Cambridge and the 4th International Conference on the New Haven School of Jurisprudence, jointly organized with Yale Law School. We once again held the Goff Lecture by Prof. Kaj Hobér, a scholar and arbitrator from Sweden, who shared his views on treaty-based arbitration in Asia.

Every year, our students participate in around ten international competitions in addition to the internal ones organized by ourselves. At the time of preparing this publication, the mooting team from our School has just returned home with the championship from Vienna—the 20th Willem C. Vis International Arbitration Moot held on 22-28 March 2013, which is the largest mooting competition in the world. They also won the 9th Willem C. Vis (East) International Commercial Arbitration Moot, a sister competition held in Hong Kong last year. It is fair to say now that mooting competitions have become an important part of our students' life.

May I take this opportunity to wish you a very fruitful year to come, and let us work together to open up new vistas in legal studies. We are ready for bigger challenges.

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

THE FIRST UNIVERSITY TEAM FROM HONG KONG TO WIN THE VIS MOOT

In March 2013, the CityU team became the first ever in Hong Kong to win the *Annual Willem C. Vis International Commercial Arbitration Moot* in Vienna. How did we get there? Having emerged as runners up in the Vis (East) Moot in 2011, we went on to win the Vis (East) Moot in 2012. Thereby, we set a record by becoming the only team to enter the grand finals in the Vis (East) twice in a row. This year we bettered our achievements in Vienna, where 295 teams from around the world competed for this highly coveted award. Former winners include Columbia University (1994), Cornell University (1996), University of Queensland (1997 & 2000), Monash University (2001), National University of Singapore (2002), Queen Mary, University of London (2006) and King's College London (2010).

The Vis Moot fosters the study and practice of international arbitration law, an increasingly important field of international legal practice in the resolution of international business disputes.

"The Vis Vienna moot is the biggest mooting competition in the world and beating teams from world-renowned law schools to become champion is a rare achievement. Being the first institution from Hong Kong to win the championship, we would like to dedicate this honour to Hong Kong and Greater China."

—Director of Mooting, Dr. Rajesh SHARMA

Some thoughts from the mooters

The team members wish to thank their coaches, Dr. Rajesh Sharma and Prof. Gabriel Moens, who are their constant guide, inspiration, and greatest support.

"Throughout the seven months we worked together, we tackled legal issues, some of which we had never learned about and some of which were simple to understand but complicated to defend. We were required to perform at a whole new level: to master a new subject, international commercial arbitration, grapple with pressing deadlines to submit memorials and at the same time to attend to our own legal studies.

In Vienna, the anticipation, anxiousness and excitement all came together, surpassing everything we had experienced previously. Each round was a fresh challenge. Our team's performance grew better with every round. Though we had faith in the caliber of our oralists and the strength of our arguments, it was unnerving all the same, knowing that there were over 290 hardworking and competent teams in the competition.

Ultimately, one of our strengths that kept us afloat was our team spirit. Everyone played an equal role throughout the writing and research phase, and continued



The 2011 CityU Team: Runner-up Vis (East) Moot



The 2012 CityU Team: winner of Vis (East) Moot



Vis Moot winners 2013: (from left) Liang Fang, Kamaljeet Kaur, Timothy Ho Lok Tim, Eric Ng Kar-yan, Dr. Rajesh Sharma (Director of Mooting), Jacquelyn Ng Ga Hei, Cleo Chau Haye-teng and Ron Yung

to stand by each other to the end. The biggest factor contributing to our success was our limitless support system: our heartfelt thanks goes to past mooters and most importantly our coaches, for teaching us that we are capable of a lot more than we realized. "

– *KAUR Kamaljeet, team member*

"When the knockout rounds were announced, it was necessary to contain our emotions as our first knockout match was only 2 hours away. We had to be in the right frame of mind: keen, competitive but calm.

The knockouts were intense. After prevailing in the match of 64, the rounds of 32, 16 and the quarterfinals were all scheduled on the next day. Yet, there was simply no time to reflect upon the tight schedule. We lived from moot to moot, feeding off our own determination, the care and support of the team, and of course, our adrenaline.



On the day of the semi-finals and the grand finals, all the existing procedures were thrown out of the window. Thanks to our training and our ample research we thrived on these new challenges. These were definitely our most

enjoyable matches. Not only were we that close to the ultimate prize; more importantly, the whole process was immensely engaging. It was easy to forget that it was all merely simulation. Both of us mooted even more passionately on that final day—the day that mattered. We went from strength to strength, bouncing off the arbitrator's questions and our opponent's remarks. It was the day when all of the team's hard work came together. Our minds were focused; our arguments, sharp; our responses, critical; and our propositions, daring. It was an exhilarating match.

Waiting for the results, we were confident, but anxious nonetheless. After all, it was not for us to say what the panel might think. Regardless of the outcome, we were very proud of what our team had accomplished, under the leadership of Dr. Sharma and Prof. Moens. When it was announced that we won, everyone we met throughout the competition came over and offered the kindest and most generous congratulations. What happened after we accepted the award was much of a blur. Jubilant, relieved and exhausted beyond words, we were intoxicated by a potent cocktail of emotions. Suffice to say, it was most certainly a day to remember."

– *Jacquelyn NG and Eric NG, the oralists*

Moot Director's Reflections on Success

Observing that the team was very well-prepared in terms of research, presentation skills and their style of presentation, Rajesh believed the team members' flexibility in the presentation was a winning attribute that made them successful. Students were ready to moot on any issue and in any order as required by the judges. In the pressure cooker atmosphere of the semi-final against Humboldt University, Germany and then again in the final against Monash University, the team was required to adapt to unexpected and major last minute changes to the format of the presentation of the moot. He also noted that our students rose brilliantly not only to meeting this new challenge but also to responding to the blistering Q and A from the benches with persuasive and innovative arguments of the highest quality.

The pursuit of excellence: "We have always expressed to our students our absolute faith in their potential to be crowned champions of any mooting tournament they participate in, whatever challenges await them, in order to instill the necessary work ethic and confidence in them to excel at the highest level. CityU is now the recipient of great accolades and global recognition following on from our students' achievements, and we could not be more proud of them."

Building a healthy mooting environment: "Mooting is vital training for every law student: it instills the skills of advocacy, research, writing and presentation. With this in mind, this year we are offering a compulsory mooting course for all LLB students. The School of Law's mooting course involves thorough guidance by teachers, and an examination of students on the skills they have learnt. In mooting, students are encouraged to think out of the box."

Alumni as our partners: "Some of our past students are very successful practitioners and we want them to bring their experience back home, in order to give something back to the School and the University. Some of these alumni actively participate in our training sessions. Other alumni help by acting on an occasional basis as judges in practice moots. We are grateful to our alumni for devoting their time to impart their invaluable expertise and experience, which has been a key to our mooting successes"

Our Student Coaches: "We have also identified some very good students who possess all the hallmarks of successful mooters; they possess a high intellect, a superior mastery of the subject matter, and the necessary dedication and focus to the pursuit of success at the highest level. We involve them in the coaching of our mooting teams either as assistant coaches or in some cases we even give them independent charge of a team."

ANOTHER MOOT, ANOTHER VICTORY!

-DR. SIMON IP'S CONGRATULATORY SPEECH



"This time no less than the Championship of the Willem C. Vis International Commercial Arbitration Moot, prevailing over 295 teams from 67 countries. This is the pinnacle of mooting success. Well done!

In a few short years, mooting has become an area of excellence in this Law School. When you won your first mooting competition several years back, I was surprised; pleasantly so, of course. When you then continued to win more moots, I was amazed. Today, my emotions have reached a new high. I am in awe and filled with admiration for what has been achieved.

The record shows that mooting has now become firmly embedded in the culture of this Law School and is one of its hallmarks of distinction. It is part of this School's DNA, not through any accident of nature or fate, but through the vision, leadership and dedication of Dean Wang and all his colleagues who have promoted mooting as an area of excellence. They realized this would be a key differentiator between this and other law schools.

I must therefore pay a special tribute to Professor Wang and all his academic and administrative colleagues, past and present, especially, Dr. Rajesh Sharma, who has been the driving force behind your mooting success. Most of all I congratulate the students who, through their devotion and passion for mooting, have found time from their already packed curriculum to undertake

rigorous training and practice to produce outstanding results. They are the Champions!

Through these mooting programmes, this Law School will produce not only successful lawyers who will reach the top of their profession but also concerned citizens who will become articulate, thoughtful and caring leaders of our community.

I am honoured to be here today to share with you the joy of your outstanding success and I am immensely proud to be part of your fraternity."



Dr. Simon Ip, CBE, JP, Co-Chairman of International Advisory Board of School of Law, City University of Hong Kong

Susan Ferrell Moot

On 3 February 2013, City University of Hong Kong won the championship in the *Susan Ferrell Human Rights Moot Court competition*. City University had also won the championship in 2011. City University can now boast of a perfect win record in this moot and in North America generally. The team competed against older, more experienced graduate students from such internationally renowned law schools as Duke University and the University of North Carolina. The City University team consisted of Elven Kwong Yu Hang, Vienna Ho Wing Lun, Joshua Wong, Ryan Pan Yingjiang and their coach Dr. Mark D. Kielsgard. None of the mooters had ever participated in an international moot competition before and only one had ever taken a class in human rights or international law. In addition to winning the championship, Elven Kwong Yu Hang won second best oralist and the team won the coveted best memorial prize.

– Dr. Mark KIELSGARD



competitions. This is the second time CityU won the championship of the HK Regional Round. The team was coached by Mr. David Branson and Mr. Mohammed Talib.

After winning the regional round, Jessup team members Kelvin Chan Sai Ho, Clara Chan Tze Wing and Raphael Hui Yulhay traveled to Washington DC for the International Rounds. With 150 teams from around the world, CityU's combined memorials were placed 5th in the international competition, a great achievement for our students.

– Mr. David BRANSON

ADR Moot has a new partner

UNCITRAL - Regional Centre for Asia and the Pacific recently became the fourth partner in the consortium which organizes the annual International ADR Mooting Competition. The founding members are CityU Law School, the China International Economic and Trade Arbitration Commission (CIETAC), and the School of Law of Columbia University (New York). This moot is unique in that it combines arbitration and mediation. This year, the ADR Moot will be held at CityU from 28 July to 3 August 2013.

A quick review

In 2011/12, 43 students from the School took part in 10 major international mooting competitions in areas such as investment law, human rights, criminal law, international law, commercial arbitration and maritime law. Our achievements in the past year include:

Foreign Direct Investment International Moot Competition

- No. 3 out of 36 teams
- Top 8 in the Written Memoranda
- Honorable Mention Advocate for the Best Oralist: Ng Eric Kar-yan

10th Red Cross International Humanitarian Law Moot

- Top Five Teams (Prosecutor)

International Criminal Court Trial Competition

- Championship
- Best Oralist Award and the Best Counsel for Prosecution: Ma Nathan Hin Che

Manfred Lachs Space Law Moot Court Competition

- Runners up
- Best Oralist: Ma Hok Lam

13th International Maritime Law Arbitration Moot 2012

- Quarter Finals
- Highest ranked Asian team
- Second Best Claimant Memoranda
- 5th Best Oralist: Ho Lok Tim Timothy

Jessup Moot



On 9 March 2013, mooters from CityU School of Law outshone their counterparts from HKU and CUHK to win the Hong Kong Regional Round. They then represented Hong Kong in the finals of the *Philip C. Jessup International Law Moot Court Competition*, one of the biggest and most prestigious moot

NEW DIRECTIONS IN LEGAL EDUCATION

LLB/JD Streaming Options

The School of Law has introduced specialist streams in LLB and JD programmes. The streams in LLB are: Chinese and Comparative Law, Commercial Law, and Dispute Resolution. They represent the School's traditional strengths and follow current trends in legal education. The streams in JD are: International Commercial Law, Alternative Dispute Resolution, Chinese and Comparative Law, and Air and Maritime Law. Selecting an optional stream will give our students a level of expertise that should prove valuable in targeting particular jobs in the market.

– Dr. Surya DEVA and Dr. Fozia LONE

PCLL New Developments

The emphasis of PCLL is on training students in practical legal skills and transactions that can be used when they enter the legal profession.



Our Strengths

One of the biggest strengths of our PCLL programme is the small class size. Each group of not more than ten has its own room, allowing students a dedicated space for work, tutorials and free discussions. "Small group" sessions create camaraderie amongst the students and encourage them to work in teams.

Our Core Courses and Electives

We are very aware of the changes in the legal landscape and keeping these in mind we make changes in our programme structure. For example, in the year 2012/13, six electives were offered, including

the new *Personal Injuries Practice* course and *Foundations in Mainland Related Legal Transactions*, a popular course that has global implications. Courses in relation to *Understanding Financial Statements*, *Financial Regulatory Practice*, and *Solicitors' Accounts* have also been restructured to cater to the needs of our students.

Links with the Profession

The PCLL programme has strong connections with the Hong Kong legal profession. The profession has been very involved with the training of the PCLL students. We continue to maintain close connections and an ongoing conversation with the profession by getting regular feedback from the Law Society and our External Academic Advisors with a view to constantly improving the programme.

We have now introduced a Law Admission Scholarship Scheme. A maximum of 10 scholarships of HK\$50,000 each will be awarded.

– Ms Sushma SHARMA

LLMArbDR: Highlights and Recent Developments

The LLMArbDR (Master of Laws in Arbitration and Dispute Resolution) Programme offers a unique blend of academic and practical training in a broad range of dispute resolution methods, including mediation, negotiation and domestic and international arbitration. This is further complemented by a dissertation component that allows students to master research methods and produce a well-articulated dissertation that demonstrates the application of dispute resolution skills to solving complex problems.



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Aspects of Our Programme

Upon completion of the programme and subject to fulfilling certain requirements, graduates are eligible to apply for professional recognition by institutions both within and outside Hong Kong, including membership of the Chartered Institute of Arbitrators (MCI Arb), fellowship of the Chartered Institute of Arbitrators (FCI Arb), fellowship of the Hong Kong Institute of Arbitrators (FHKI Arb), Accredited General Mediator of the Hong Kong International Arbitration Centre (HKIAC), and CPD points awarded by the Law Society of Hong Kong.

In 2011, the LLMArbDR programme became the first and only programme recognised by the Chartered Institute of Arbitrators to offer Module 4—Award Writing (LW6409B) in Hong Kong. This new course was successfully conducted in the Summer Term of 2012.

Our Students

Many of our students are professionals from the construction, finance, investment and banking sectors. Their diverse backgrounds enable them to contribute from different angles in discussing cases and examining theories based on their professional experience and knowledge. They can also benefit from a variety of exchange opportunities and extra-curricular activities, including participating in the annual Willem C. Vis International Commercial Arbitration Moot held in Vienna, or the Willem C. Vis (East) International Commercial Arbitration Moot and the International Alternative Dispute Resolution Moot hosted by CityU in Hong Kong.

— Dr. YANG Fan

Incorporation of Technology into the School of Law curriculum

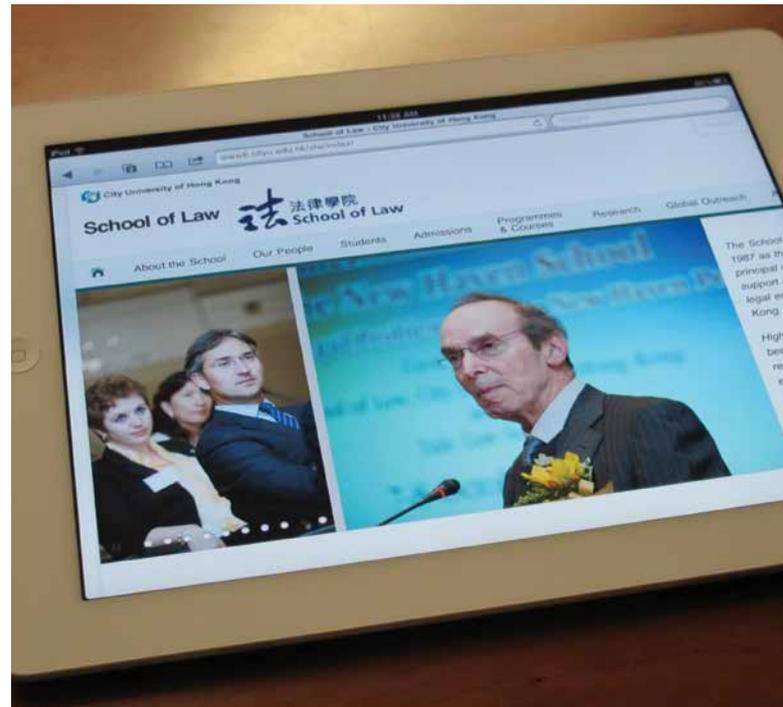
During this academic year, the School of Law designed and/or implemented a number of innovative activities for our students with a view to incorporating technology into our curriculum in line with the University-wide initiative, the Discovery-enriched Curriculum.

One of these innovative activities includes the use of *Blackboard* to access course materials as well as submission of assessment tasks. *Blackboard* was also used to deliver an online self-assessed bridging course in the PCLL programme. The online bridging course was used to assess students' necessary substantive knowledge before they undertook the intensive skill-based course in the PCLL programme.

During the year, students also used *e-Portfolio* to create, simulate, and enhance the "professional-client" experience that is important for legal practice.

The Mobile Learning Scheme, which provides students with iPads, was launched more than one year ago and is now in its second

year of operation. The School of Law encourages our students to use iPad apps such as *Splashtop Streamer*, *Splashtop Whiteboard*, *Prezi*, *Blackboard Mobile*, *iBooks*, *Doodle*, and *WhatsApp* to create a learning environment where instructors and students can "flip the classroom" for enhanced teaching and learning. Teachers can use online challenges and online challenge-based projects that allow students to test their knowledge in preparation for class as well as reinforce important concepts. For example, *LectureTools*, a set of mobile learning technologies for conducting interactive classroom activities, was used to successfully gauge students' response to topics in class.



Online peer assessment strategies are also being used to more fully engage students and encourage greater depth of knowledge and professionalism, all within the spirit of discovery and innovation.

— Mr. John BURKE, Dr. Avnita LAKHANI and Dr. Rebecca ONG

Report on GE (Gateway Education) courses offered by School of Law

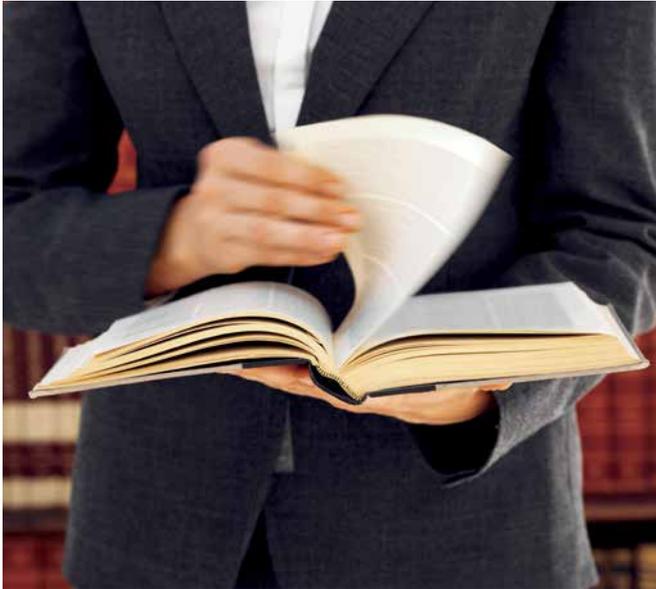
There are three GE courses offered by the School, which are among the most popular courses of the University's current GE offerings. These three GE courses cover various law related topics from an interdisciplinary perspective.

GE1123 Law, Reasoning, and Morality: A Critical Analysis

This course is an interdisciplinary effort under CityU's Interdisciplinary Professional Development Award (IPDA) scheme awarded to Dr. Avnita Lakhani (SLW) and Dr. Julian Lai (CLASS). The

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course aims to develop progressive excellence in each student's ability to think critically, logically, and ethically using sound and established reasoning skills and methodologies so as to facilitate discovery and innovation in their chosen field of study. In addition, this course aims to help students understand the impact of law and legal reasoning as it relates to solving interdisciplinary issues that are essential to professional success and good citizenship.



GE1126 Law for Smart Consumers

The aim of this course is to provide legal knowledge to students to help them become smart consumers. Through role-play, discussion of current issues and video shows, students will gradually discover the issues and principles that govern our everyday transactions.

The course is delivered in a less traditional way and students get to participate more frequently in activities and discussions. They are assessed by quizzes, a writing task as well as a group project to help raise awareness of consumer protection in Hong Kong. These new delivery and assessment methods aim to create a fun and positive atmosphere to learn so that students from different disciplines can share and mingle.

GE1214 Citizens and Criminal Justice

This course provides students with an understanding of the basic rights and responsibilities of citizens in Hong Kong and elsewhere who are caught up in the criminal justice process. Students discover through debate and research the fundamentals of internationally acknowledged protection of human rights, especially those of the vulnerable persons (women, children and the handicapped). Through activities like individual inquiry and discovery, team discussions, debates, case studies for analysis and debate, 'TV' role playing as prosecutors or defence lawyers, and as members of a jury, students are trained in logical analysis, argument and

presentation, and also gain insight into the institutional safeguards of justice in the criminal process.

– Dr. GUAN Wenwei and Ms. Jojo MO

Discovery-enriched Learning

As part of the University's approach to teaching and learning, the School of Law has committed itself to discovery-enriched learning which is an active, open-minded and enquiring learning approach. This strategy aligns with the School's aims for its undergraduate law programmes specifically designed to equip students with a critical understanding of law and legal institutions so as to enable them to serve the needs of Hong Kong and the international community, and to facilitate the development of a range of intellectual skills, in particular the ability to think analytically and critically, to solve problems, and to communicate effectively.



The School's strategy to achieve the integration of the discovery-enriched curriculum into its programmes has four elements, namely: a basic foundation laid in first year—in particular in *Legal Research & Writing* and *Mooting*; several compulsory courses throughout the degree with a distinctive discovery-enriched element; a range of elective courses offering a significant discovery-enriched element; and the explicit inclusion of discovery-enriched elements in all courses offered in our law degrees.

– Mr. John BURKE and Ms. Sara TSUI

REPORT ON CHINESE JUDGES PROGRAMMES

The School of Law Facilitates the Inception of the Chinese Judges Alumni Associations

With the enthusiastic support of the University and the Hong Kong community, the School of Law has been successfully running various education programmes for Mainland Chinese judges for several years. So far, four batches of LLM (Chinese Judges) students and six batches of advanced programme for senior Chinese Judges have graduated from our School. The JSD (Chinese Judges) programme has also successfully entered its second year. About 370 Chinese judges have graduated or are currently studying in various programmes offered by the School of Law (SLW). The rapid growth of the numbers of Chinese judges in the SLW family reflects the SLW's contribution to the development of Chinese judiciary. The SLW Chinese Judges alumni are currently organizing their own alumni associations based on geographic distribution of the alumni, which is recognized by the SLW as highly significant to the exchange and connections among our Chinese judges alumni.

The SLW has been in close contact with the Chinese judges alumni to facilitate the inception of the alumni associations. Dean, Prof. Wang Guiguo, and Dr. Chen Lei visited Changsha in January 2013 to discuss how the School may support the setup of the Chinese judges alumni association there. Joined by Dr. Guan Wenwei, they subsequently visited Shenzhen, Guangdong Province to discuss the setup of the SLW Chinese Judges Alumni Shenzhen Association and then to Jinan, Shandong Province for discussions on the setup of the SLW Chinese Judges Alumni Jinan Association in February. Both the Shenzhen Association (tentative) and the Jinan Association (tentative) will be composed of around 60 alumni from provinces nearby. During the Jinan visit, Prof. Hao Yinzong, Vice President, and Prof. Wang Baosen, Director of the Judge Education Department of the National Judges College (NJC), joined the meeting with the judges alumni from Shandong, Henan, and Jiangsu provinces. On behalf of the National Judges College, Prof. Hao Yinzong expressed wholehearted support and a deep appreciation for the establishment of the Chinese Judges Alumni Associations. Finally, in mid-March, the group met with the key persons in Beijing to discuss the logistics for the setup of the Beijing Association (tentative), which will have a membership of more than 100 alumni from the area and provinces nearby.

– Dr. CHEN Lei and Dr. GUAN Wenwei

Toward an International Perspective: Dynamics of Intercultural Exchange at School of Law

With the combined effort of the National Judges College of the Supreme People's Court of China and Columbia Law School, coupled with financial support from the Fu Tak lam Foundation Ltd, the LLM Programme for Chinese Judges was first established by CityU's School of Law in 2008 and has received wide recognition from legal education providers and students alike since then. It is now a signpost for Hong Kong legal education.



The School has established extensive global links with legal education providers to offer an outstanding education and international exposure to our Chinese judge students. In the past four years, the School has consistently undertaken a rigorous exercise in selecting top candidates for the LLM (Chinese judges) programme, who are all elites serving in various courts across the country. The programme aims to enhance students' professional legal knowledge and broaden their vision with international and comparative perspectives against the background of globalization.

The Welcoming and Graduation Ceremony for LLM Chinese judges held on 11 January 2013 marked the commencement of the study of the 5th batch of Chinese judges and was also an occasion to bid farewell to the 4th batch of Chinese judge graduates. The fifth batch of students, comprising 29 judges from 16 provinces in China, joined the common law stream of the LLM programme at City University. During their studies, the judges will attend a tailor-made programme at Columbia Law School for one month. They will also participate in a one-week programme in Korea University in South Korea, and a study tour to Geneva and Vienna. A court internship in Hong Kong has also been arranged for the judges in order to add practical experience to their studies.

LLM Chinese Judges visit Austria and Geneva

On 16-23 December 2012, a group of 28 Chinese judge students of the fourth cohort of the Master of Laws (LLM) programme took a trip to Europe. Geneva, Switzerland was the first stop in this European visit, where the judges visited the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO), the United Nations Conference on Trade and Development (UNCTAD) and Geneva University. Then the group visited Vienna where they called in on the Austrian Supreme Court and Vienna University. The tour provided an excellent opportunity for the Chinese judges to have extensive and thought-provoking discussions with judges, experts and academics in the European circles.



JSD Chinese Judges visit the High Court and District Court



On 14 November 2012, the second group of 25 Chinese senior judges, including presidents, vice presidents of local and intermediate courts, and division chiefs and senior judges from high courts and the Supreme Court in China, visited the High Court in Admiralty, Hong Kong and had a meeting with the Chief Judge, The Hon Mr. Justice Cheung Kui-nung. After that, they attended a hearing at the District Court in Wanchai and met with the Chief Judge of the District Court, His Honor Judge Poon Siu-tung. The visit enriched the Chinese judges' understanding of Hong Kong's judiciary and facilitated the exchange of views between the China and Hong Kong jurisdictions.

GLOBAL LEGAL EDUCATION AND AWARENESS PROJECT (G-LEAP)

IN UNIVERSITY COLLEGE, OXFORD, U.K., MONASH UNIVERSITY, AUSTRALIA, AND COLUMBIA LAW SCHOOL, U.S.

The School of Law, City University of Hong Kong renewed the G-LEAP agreements with University College, Oxford, U.K and Monash University, Australia in January 2011 and March 2012 respectively. The same collaboration with Columbia University was first launched in December 2011.

The Global Legal Education and Awareness Project (G-LEAP) was first introduced in 2007. G-LEAP aims to promote excellence in legal education with a view to providing opportunities for our law students to have a global perspective in the study of law. Under G-LEAP, students can study credit-bearing law courses like "Intellectual Property: Theory Copyright and Design" at Monash University, Australia; "European Competition Law and Policy" at the University College, Oxford; and other courses at the Columbia Law School for one month on an intensive basis during the summer term. This initiative provides an exceptional opportunity to the LLB and JD students to broaden their learning horizons, learn about foreign legal systems and experience different cultures.



What our students say

"It is an invaluable experience to study EU Competition law in the University of Oxford, one of the most prestigious universities across the globe. Throughout the month, we were provided with the opportunity to learn from the most experienced professors in the field, to facilitate our understanding in the subject and our studies as a whole. Apart from studying, we had the chance to stay in the college to experience the life of a local student. Moreover, we traveled around the UK where we understand more about the local culture, equipping us with a more globalized view of today's world."

– CHEUNG Yuk Yu



"The one-month study programme at Monash University in Melbourne, Australia in the summer of 2012 was a precious opportunity to improve our understanding of Australian law. The course focused on the newest developments of post IceTV (a copyright case which overturned previous copyright law) Australian Intellectual Property (IP) law. Students attended classes for three consecutive weeks. Tutorials were provided for students to apply knowledge learnt by means of hypothetical questions. This deeply enhanced the understanding of students on the recent development of Australian Intellectual Property Law. The Institutions also organized tours to the parliament and Supreme Court of Victoria to broaden our horizons on the legal and political arenas of Australia. Students were led around by veteran court staff; they also had an opportunity to attend the hearing of an ongoing murder trial."

– Dennis NG Wai Hei



"Over the course of about a month at Columbia Law School, students learnt about arbitration, lawyering across multiple legal orders and mediation around a friendly roundtable. Whilst we explored legal issues at an international level, there were references to both the American system as well as the Hong Kong system. Overall, it was global, interdisciplinary and rigorously practical. Many of us would also agree that this trip cultivated our independence in the 'cultural capital of the world'. Individuals explored the five boroughs of New York City and experienced the twinkling Times Square, the entertaining Broadway shows, the stifling subways and the major heat wave reaching as high as 36 degrees Celsius. New York City truly pulsates with an unmistakable rhythm that kept us beating."

– Anita JAY Ka Yan



NEWS FROM THE HONG KONG CENTRE FOR MARITIME AND TRANSPORTATION LAW

The Hong Kong Centre for Maritime and Transportation Law (HKCMT) was established in March 2010 in response to the need for a maritime and transportation law centre in Hong Kong to meet the critical needs of industry, the practising Bar and the region. The Centre is comparative in perspective and global in scope.

According to Prof. Anton Cooray, Acting Director of the Centre, the School will seek to develop HKCMT into an international research centre. To achieve this, steps are being taken to encourage active engagement of the Centre staff in maritime and transportation law research, and to strengthen its international cooperation with China and other jurisdictions.

To facilitate the interaction between our staff and experts from other jurisdictions, the Centre is planning several initiatives. It will further strengthen collaborations with local practitioners, benefactors to the Centre, the Hong Kong Maritime Law Association, as well as the Centre's external advisors for meaningful dialogue.

The curriculum for the Maritime and Transportation Law Stream of the School's Master of Laws (LLM) programme has recently undergone a thorough review. New, compulsory courses are offered to reflect the emerging areas of interest and to cover significant aspects of maritime and shipping law, such as the Admiralty Jurisdiction in Maritime Law, Bills of Lading Law, Charterparties Law, Maritime Property Law, etc. The Centre is trying to implement this new programme structure starting from academic year 2013/14 onwards.

To promote active research in the area of maritime and transportation law, members of the Centre have delivered seminars on selected topics of interest.

Dr. Tai Sik Kwan, the Associate Director of the Centre, delivered a talk on the "Freight Forwarder's Liabilities under the Chinese Law" on 27 March 2013. In view of the rapid developments of the freight forwarding industry that naturally ensue from the flourishing international trade in China, it is important to make liability clearer and exercise control over how maritime courts handle freight forwarding disputes. This is why the Provisions of the Supreme People's Court on Certain Issues concerning the Trial of Cases of Disputes over Marine Freight Forwarding, which took effect on 1 May 2012, is an important piece of new legislation in the PRC. In this light, Dr. Tai examined not only the Chinese Maritime Law and the Contract Law, but also how this Supreme Court ruling will affect the handling of related disputes, such as the different recognition of the freight forwarder's role as an agent of a shipper in a traditional way, or a contract carrier, and how that will lead to different liabilities of the freight forwarder.

Dr. Poomintr Sooksripaisarnkit, a Maritime Specialist of the Centre, delivered a seminar on "Determining a choice of law applicable to maritime torts: A common law approach" on 11 April 2013. In Hong Kong, a "double-actionability" approach recognized by the House of Lords in *Chaplin v Boys* [1971] A. C 356 has been generally applied to determine an applicable choice of law for torts committed overseas. Yet, it is problematic when it is applied to maritime torts because the place where the tort occurred cannot be easily

defined. Dr. Sooksripaisarnkit explored this issue in the context of private international law and discussed the appropriate governing law for disputes concerning collisions on high seas, considering the law of the ship's flag, and the law of the port of registration for instance. Dr. Sooksripaisarnkit also pointed out that the precedent cases and the existing rulings relied on are rather outdated, but they would be the only ones that could be referred to when discussing particularities in these maritime torts.

More staff seminars are forthcoming and the School shall keep students and colleagues posted on these as well as the developments of the Centre.



HIGHLIGHTS OF CONFERENCES, LECTURES AND SEMINARS

International Conference Elaborates on Judicial Independence and Globalization on 22-24 March 2012

The CityU School of Law, the Faculty of Law, Hebrew University of Jerusalem, and the Centre for Public Law, University of Cambridge, co-organized the International Conference on Judicial Independence and Globalization from 22-24 Mar 2012 in Hong Kong. The conference attracted judges, specialists and academics from the mainland China, Europe, the USA, the Middle East and other Asia-Pacific regions to discuss a variety of issues, including independence and impartiality of arbitrators, independence of international judges, the significance of judicial independence to the globalized economy, the culture of judicial independence and free trade and international investments, the challenge of cross country monopolies, the impact of international law on domestic laws, the role of international criminal law on the conduct on nations, and the emerging global judiciary.



The conference was a timely response to the developments and challenges regarding the position of courts and judges in contemporary society. The conference proceedings will lead to the publication of a major collection of articles on judicial independence in the form of a book and/or publication in the *Asia Pacific Law Review*.

CityU Holds 4th New Haven Conference on 4-5 October 2012

The 4th International Conference on the New Haven School of Jurisprudence jointly organized by CityU Law School and Yale Law

School was held at City University of Hong Kong from 4 to 5 October 2012. This conference on “Contemporary Legal Problems: The New Haven School of Jurisprudence from a Comparative Perspective”,



provided a forum for scholars interested in jurisprudence and comparative law to interact with proponents of the New Haven approach.

The conference brought together legal scholars and academics from around the world including North America, Europe, Mainland China and Asia to promote a better understanding of the modern social and political realities and how international law principles and philosophy change over time to meet the changing international needs and aspirations. It focused on the application of the New Haven approach to specific legal issues of topical interest.

The conference discussed a variety of topics, including law and culture, dispute resolution mechanisms and procedural justice. Twenty-four scholars presented their papers at the conference.

Professor Michael Reisman, Myres S. McDougal Professor of International Law at Yale Law School, delivered his paper on “A Time and a Place for Everything: Two Modes of Decision Making”. In this paper, Professor Reisman sets out and analyzes two of those modes: textual-rule-based decision and policy-context-based decision. In his opinion, the very legitimacy of decision-making depends upon using the appropriate mode.

Professor Wang Guiguo, Dean of CityU Law School, was delighted that the conference attracted a variety of scholars from different fields and he expressed his hope that the conference will inspire them to learn more about New Haven.

International Conference on Dispute Resolution: A Comparative Perspective on 17-18 December 2012

This conference jointly organized by our School of Law, the Centre for Commercial Law Studies (CCLS) and the Department of Law of Queen Mary, University of London was held on 17-18 December 2012 at the University of London. The conference aimed at providing a forum for an exchange of views of practitioners and scholars specializing in dispute resolution processes from a cross section of legal traditions and jurisdictions.



The international mix of speakers included Professor Loukas Mistelis (QMU, London) on the voluntary status of arbitration, Professor Tao Jingzhou (Beijing) on arbitration in China, Professor Neil Andrews (Cambridge) on the controversial English practice of allowing (under section 69 of the Arbitration Act 1996) controlled judicial re-examination of alleged errors of English law contained in English awards, Finola O'Farrell QC (London) on the English and Scottish system of "adjudication", Professor Shimon Shetreet (The Hebrew University of Jerusalem, Israel) on the fundamental values underlying non-judicial justice, Professor Andrew Le Sueur (Department of Law, QMUL) on "From values to working principles in the design of redress for administrative wrongs"; Professor Trevor Buck (Leicester De Montfort Law School, UK) on informal resolution and the ombudsman enterprise; Therese MacDermott (Macquarie Law School, Australia) on "Accessing ADR and agency engagement in employment discrimination complaints: a comparative perspective"; and Professor Giuseppe Franco Ferrari (Department of Law, University of Bocconi, Italy) on Italian administrative law dispute resolution.

The distinguished contributors came from many countries round the world and all the presentations, and the lively discussions that accompanied them, had a strongly international flavour. This was an excellent and intellectually stimulating occasion as well as – even for the non-lawyer – a most enjoyable one."

– Gavin Drewry, Emeritus Professor of Public Administration, University of London

A number of staff seminars were also organized by the School in the past year, such as the seminar by Judge Frederick H Weisberg on 21 January 2013 on "Drug Courts and Other 'Problem Solving

Courts' in the United States", and the seminar titled "The Status of Codes of Judicial Conduct in Comparative Perspectives" by Prof. Shimon Shetreet on 7 February 2013.

Eminent Scholar and Practitioner Speaks at Goff Lecture on 13 March 2013

The 19th Goff Arbitration Lecture organized by CityU School of Law was held in the evening of 13 March 2013 at City University of Hong Kong. Our guest of honour was Prof. Kaj Hobér, Partner in Mannheimer Swartling, Stockholm, and Professor of International Investment and Trade Law at Uppsala University.

The title of Prof. Hobér's lecture was "The Rise of Treaty-based Investment Arbitration in Asia". He intrigued the audience by pointing out that the title in fact needed a question mark at the end, as the full extent of the rise of investment treaty arbitration in Asia is apparently yet to be determined. In Asia, we have not yet seen anything like the "floodgate" effect of investment treaty claims that Eastern Europe experienced following the initial wave of privatizations after the collapse of the Soviet Union. Yet, given the different socio-economic conditions of the Asian countries, it would be unwise to make hasty and simplistic conclusions on this point.

In the lecture, Prof. Hobér focused particularly on foreign investments in China and outbound Chinese investments, and pointed out that today China's outbound investments are growing very fast, making claims by Chinese investors a reality. Prof. Hobér then discussed some criticisms of the existing investment dispute resolution system and maintained that the arbitral tribunals have often succeeded in treating the State issue in a balanced way. After discussing the existing solutions to these challenges, he concluded that



they are not realistic and counter-proposed what he considered to be a more realistic view, that is, a gradual development of case law and improvement of the investment treaty system. Whilst there is a big potential for more claims in Asia, it is likely that the rise of treaty-based investment arbitration in Asia will be gradual.

An energetic and inspiring floor discussion ensued after the lecture when Prof. Hobér and Prof. Gu Minkang, the Associate Dean of the School of Law, responded to questions posed by participants. The event ended on an enjoyable note with a warm dinner reception for Prof. Hobér.

DEAN GIVES LECTURES AT THE HAGUE, THE USA, AND XIAMEN

Prof. Wang Guiguo, Dean of the School of Law, will be giving a lecture titled "International Economic Law in the Context of Globalization" in the 2013 Summer Program of Xiamen Academy of International Law, to be held on 8-26 July 2013 in Xiamen. According to Prof. Wang, the subject of international economic law was first conceived during the second half of the twentieth century, which is increasingly recognized to be very important in the wake of globalization as the rules of international economic law have gained binding force on nation states. In the forthcoming lecture, Prof. Wang will deal with the evolution of international economic law, its sources and principles, and the general areas thereof. He will also give a forecast of future developments of international economic law within the context of globalization. The mission of the Xiamen Academy, which was established in 2005, is to promote academic exchanges among legal communities across the globe, encourage examination of major international issues, and in so doing seeks ways to improve the possibilities for world peace and international cooperation.

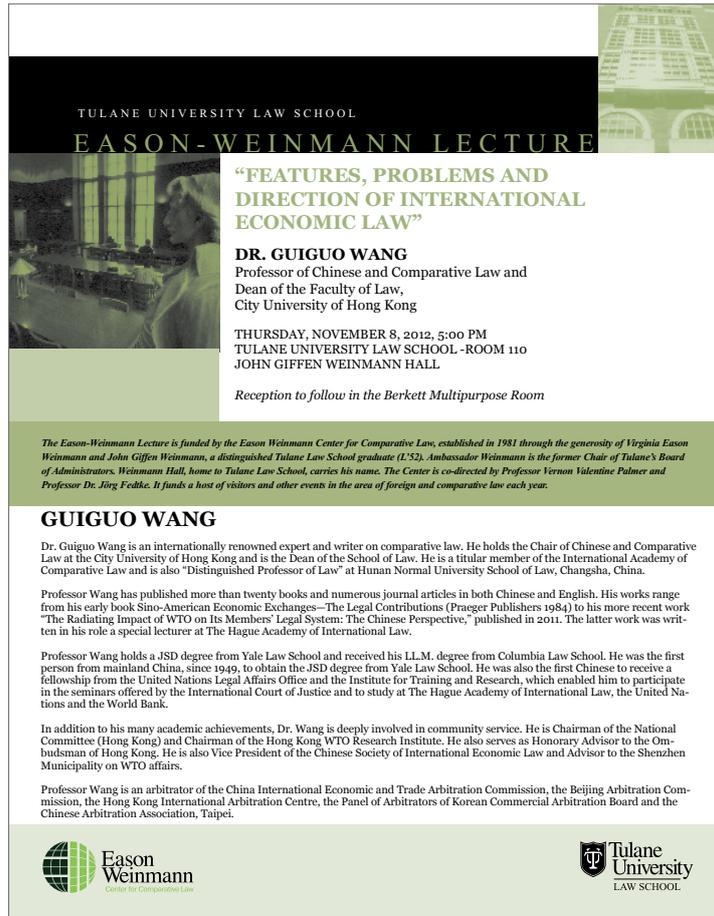
The Xiamen lecture is in fact a continuation of Prof. Wang's lecture in The Hague Academy of International Law in 2010. His lecture then was on the "Radiating Impact of WTO on Its Members' Legal Systems: The Chinese Perspective". The Hague Academy is a highly-regarded institution in the world which aims to further the advanced, scientific study of the legal aspects of international relations. Since its inception in 1923, the Academy has been organizing summer courses every year. Students representing between sixty and eighty nationalities attend the courses each year, spending three weeks on public international law, and three weeks on private international law.

In his address to The Hague Academy, it was Prof. Wang's thesis that in our increasingly globalized world, international law will naturally have an impact on the laws of the various countries; yet at the same time, every member of the international community makes a contribution to this law-making at the international level. Hence, to prove such interactions between international law and national law, Prof. Wang used China and other countries as examples to illustrate the point. The lecture was very well-received, and his paper later grew into a full-length scholarly book. Prof. Wang views it as a great honour for him, as a scholar of CityU, to have been invited to teach at The Hague Academy, as the academy is highly selective in choosing their speakers.

Another lecture worthy of note is the Eason-

Weinmann Lecture given by Prof. Wang on 8 November 2012 at Tulane University Law School, the USA. The Eason-Weinmann Lecture is funded by the Eason Weinmann Center for Comparative Law and aims to address issues on foreign and comparative law. The title of Prof. Wang's lecture was "Features, Problems and Direction of International Economic Law". In the lecture he highlighted the contemporary issues and unique features of international economic law, and the difficulties and problems derived henceforth. The lecture discussed current issues in relation to international economic law.

The three lectures each have had or will have their own focus, yet are also inter-related when viewed under the umbrella of globalization. Such interconnectedness is the defining, pervasive feature of globalization, and the School is proud to see our scholars facing up to its challenge.



TULANE UNIVERSITY LAW SCHOOL
EASON-WEINMANN LECTURE

"FEATURES, PROBLEMS AND DIRECTION OF INTERNATIONAL ECONOMIC LAW"

DR. GUIGUO WANG
Professor of Chinese and Comparative Law and
Dean of the Faculty of Law,
City University of Hong Kong

THURSDAY, NOVEMBER 8, 2012, 5:00 PM
TULANE UNIVERSITY LAW SCHOOL-ROOM 110
JOHN GIFFEN WEINMANN HALL

Reception to follow in the Berkett Multipurpose Room

The Eason-Weinmann Lecture is funded by the Eason Weinmann Center for Comparative Law, established in 1981 through the generosity of Virginia Eason Weinmann and John Giffen Weinmann, a distinguished Tulane Law School graduate (L'52). Ambassador Weinmann is the former Chair of Tulane's Board of Administrators. Weinmann Hall, home to Tulane Law School, carries his name. The Center is co-directed by Professor Vernon Valentine Palmer and Professor Dr. Jörg Fedtke. It funds a host of visitors and other events in the area of foreign and comparative law each year.

GUIGUO WANG

Dr. Guiguo Wang is an internationally renowned expert and writer on comparative law. He holds the Chair of Chinese and Comparative Law at the City University of Hong Kong and is the Dean of the School of Law. He is a titular member of the International Academy of Comparative Law and is also "Distinguished Professor of Law" at Hunan Normal University School of Law, Changsha, China.

Professor Wang has published more than twenty books and numerous journal articles in both Chinese and English. His works range from his early book *Sino-American Economic Exchanges—The Legal Contributions (Praeger Publishers 1984)* to his more recent work "The Radiating Impact of WTO on Its Members' Legal System: The Chinese Perspective," published in 2011. The latter work was written in his role as a special lecturer at The Hague Academy of International Law.

Professor Wang holds a JSD degree from Yale Law School and received his LL.M. degree from Columbia Law School. He was the first person from mainland China, since 1949, to obtain the JSD degree from Yale Law School. He was also the first Chinese to receive a fellowship from the United Nations Legal Affairs Office and the Institute for Training and Research, which enabled him to participate in the seminars offered by the International Court of Justice and to study at The Hague Academy of International Law, the United Nations and the World Bank.

In addition to his many academic achievements, Dr. Wang is deeply involved in community service. He is Chairman of the National Committee (Hong Kong) and Chairman of the Hong Kong WTO Research Institute. He also serves as Honorary Advisor to the Omnibusman of Hong Kong. He is also Vice President of the Chinese Society of International Economic Law and Advisor to the Shenzhen Municipality on WTO affairs.

Professor Wang is an arbitrator of the China International Economic and Trade Arbitration Commission, the Beijing Arbitration Commission, the Hong Kong International Arbitration Centre, the Panel of Arbitrators of Korean Commercial Arbitration Board and the Chinese Arbitration Association, Taipei.

OTHER STAFF ACHIEVEMENTS

Dr. Surya DEVA is a leading scholar in the area of Business and Human Rights. His papers have featured in the list of top ten papers downloaded from the SSRN in the area of "human rights and the corporation". In January 2013, he was invited to deliver the Keynote Address at the "GLOTHRO Workshop on the Direct Human Rights Obligations of Companies in International Law", held in Bled, Slovenia. He is a Member of the Advisory Board of the *Vienna Journal on International Constitutional Law*. Surya's two co-edited volumes will be published later on in 2013 by Cambridge University Press and Oxford University Press.

Dr. Avnita LAKHANI was awarded a DEC Technology Adoption Grant for Teaching Innovation in March 2012. She also won the award for Best Academic Paper (Runner Up) at the 2012 IAITL conference in October 2012 for a peer reviewed, published article on social networking sites and the legal profession.

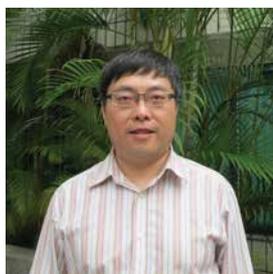
Dr. Fozia Nazir LONE is currently working on her independent project called *The Indian Pre-colonial Approaches to International*

Law: An Application of the New Haven School of Jurisprudence. She is the member of Society of Policy Scientists (U.S.A) and member of Editorial Board Journal on Mediation (Hong Kong Mediation Centre). She is also a contributing author of the blog *International Law Observer* which has a very high impact factor and is visited by 12,000 readers every month.

Dr. Poomintr SOOKSRIPAIARNKIT has been serving on the Executive Committee of the Hong Kong Insurance Law Association (HILA) as Research Officer and Journal Editor. He has also been appointed as a member of the Transport & Logistics Committee of the International Chamber of Commerce, Hong Kong Branch.

Ms. Sara TSUI has been appointed the head External Examiner for the PCLL Conversion Examination—Commercial Law for the examinations in January 2013. She was also invited and appointed as the Legal Consultant of the Society for the Prevention of Cruelty to Animals in Hong Kong, a well-recognised and established NGO which was set up in 1903 in Hong Kong.

NEW FACULTY



LI, Xiao

Dr. Li has served as a Visiting Assistant Professor since 1 August 2011 and was appointed as a full-time Assistant Professor at School of Law on 1 July 2012.

Research Interests

Corporate Finance and Corporate Governance, WTO Law.

Selected Publication

Co-authored with Professor Iain MacNeil, "Comply or Explain": Market Discipline and Non-compliance with the Combined Code, (2006), *CORPORATE GOVERNANCE: AN INTERNATIONAL REVIEW*, 14(5):486-496.

Education

LLM in Commercial Law, University of Aberdeen; PhD, University of Glasgow.



XING, Lijuan

Dr. Xing joined the School of Law as a full-time Assistant Professor on 2 January 2013.

Research Interests

Comparative Law, International Economic Law, WTO Law, Maritime Law, Public International Law.

Selected Publication

BEHIND THE MULTILATERAL TRADING SYSTEM: LEGAL INDIGENIZATION AND THE WTO IN COMPARATIVE PERSPECTIVE (U.S.) (forthcoming 2013, Carolina Academic Press); *New Regionalism and Its Effects on the Multilateral Trading System*, 5 *Research on Financial and Economic Issues* 92 (P.R.C.) (2007).

Education

PhD in Economics (International Trade Policy), Dongbei University of Finance and Economics; SJD (International and Comparative Law), The University of Kansas.

Four students in our School received offers from prestigious universities overseas to pursue further studies:



HO Chun Ngai, Calvin
LLB (2007) and PCLL (2011)
Bachelor of Civil Law (BCL), Oxford

"I feel honoured to be offered a place to read BCL, one of the most renowned degrees in law, at Oxford. The programme itself is demanding—this feeling comes strong on every Sunday morning when I sit in front of the non-exhaustive reading list. It is daunting, but at the same time, fascinating. I particularly enjoy the tutorial sessions, where students are kept in small groups to

discuss controversial legal issues and share intellectual insights. The experience has been far more rewarding than I expect.

My life here is not just about studying. Spending an afternoon at the peaceful University Park and attending formals at exotic college dining halls are the colourful parts. I do enjoy my time at Oxford."

"The way of teaching in BCL is labour-intensive. Five academics debate on some unsettled issue in every Restitution law seminar, defending their respective theories. This exercise can at times be intimidating even for the professors themselves, but for students it is an essential means of learning how to express

their own viewpoints. Usually the course convenor runs the tutorials himself, taking two students at a time. In every tutorial we prepare an essay. Despite the challenges, the Oxford way is worthwhile. I have become more persuasive when I discuss the law with my coursemates and have learned to think independently about the law."



IP Gee-Kin, Ken
LLB (2008)
Bachelor of Civil Law (BCL), Oxford



LAM Ka Men, Victoria
LLB (2007) and PCLL (2011)
MSc in Criminal Justice Policy, London School of Economics and Political Science

"Upon completion of my LLB and PCLL studies at CityU, I embarked on a master's study at the London School of Economics and Political Science in Criminal Justice Policy. My wish to pursue further studies in the UK came about after participating in the G-Leap programme at the University College of Oxford University in the summer of Year Three, a valuable experience provided by CityU. I enjoyed the scholastic and tranquil atmosphere of Oxford and

hope to experience the exciting and vibrant life of London, and LSE is able to offer me the best of both: intellectual challenge as well as an upbeat city life, and what's more, the opportunity to 'bump into' world leaders who frequent the campus and its neighbourhood. All in all, I would like to thank CityU for providing me with the solid foundation to undertake studies at a world class university."

"Pursuing further legal studies in Cambridge is challenging. It requires sophisticated understanding of the subject matter and the ability to analyse the rationale behind legal principles from different perspectives. The knowledge I acquired at CityU has laid a solid foundation for my studies, which enables me to

master new concepts quickly and engage in intellectual discussion with professors and fellow classmates during tutorials. Furthermore, the range of opportunities available also makes life at Cambridge amazing. Not only have I sat as a moot court judge, I am also editing a law journal run by law students here."



LI Fun Chin, Lawrence
LLB (2007)
Master of Law (LLM), Cambridge

BURKE, Jack

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SOOKSRIPAISARNKIT, Poomintr

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*The Editorial Board would like to thank Miss Agnes Kwok as well as members of staff who helped in the preparation of the Newsletter.
Prof. Anton COORAY (Editor in Chief), Mr. Michael BECKETT, Mr. John BURKE, Dr. Avnita LAKHANI*