



CityU School of Law Dean Prof. Tan Cheng Han and CCCL Director Prof. Wang Jiangyu Interviewed by HK01 on the Role of Hong Kong Law Schools in Legal Research and Education Reform in Hong Kong

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In early January of 2021, the Dean of the School of Law of City University of Hong Kong (CityU) Prof. Tan Cheng Han and Director of the Centre for Chinese and Comparative Law (CCCL) of CityU School of Law Prof. Wang Jiangyu were interviewed by HK01 — a Hong Kong-based online news portal — on the role of Hong Kong’s law schools in Hong Kong’s legal research and education reform.

During the interview, when responding to the question as to the role of law schools, CityU School of Law Dean Prof. Tan Cheng Han was of the opinion that a law school should balance its role “locally” and “internationally”. As far as its local role is concerned, since a law school has close connection with the jurisdiction in which it is located, it therefore has the obligation to serve the local community. In other words, Hong Kong’s law schools have the obligation to train lawyers that are needed for Hong Kong’s legal market. As to a law school’s international role, since it is a member of the international community, it therefore should also serve the international community and become part of the international dialogue. This means that Hong Kong’s law schools should help the international community to understand the position of Hong Kong’s legal system at international level, and at the same time enhance the knowledge of themselves, the Hong Kong legal community, as well as the Hong Kong society as whole, with regard to the approaches different jurisdictions adopt in handling various legal issues.

Besides, Prof. Tan considered that, given the fact that Hong Kong law schools have been enjoying a good international reputation, and Hong Kong’s geographic advantage also makes it the central place for Chinese legal studies, there is no doubt that Hong Kong has all the necessary conditions to own one of the most significant law schools in the world, and this is also the goal of CityU School of Law. In fact, CityU School of Law’s CCCL has long been a pioneer in Chinese law

research internationally. Additionally, Prof. Tan pointed out that, as China's international influence continues to increase and China's legal development keeps accelerating, demand for Hong Kong lawyers who are proficient in both common law and Chinese law in the legal market would definitely increase. Thus, CityU School of Law would endeavor to nurture this kind of professionals.

With regard to the pressure faced by Hong Kong's universities as a result of the adoption of "internationalization" by the University Grant Council (UGC) as the assessment criteria in its research assessment exercise (RAE), Prof. Tan expressed that as a Law Dean he would not give too much emphasis on that criteria. Instead, he only concerns about recruiting the outstanding academics for the Law School and providing a good research environment — such as setting a broad research direction for the Law School, providing seed funds for colleagues to start their research, encouraging colleagues to collaborate with scholars of other disciplines to conduct cross-disciplinary research and to establish partnerships with outstanding researchers in the world, etc. — for colleagues to demonstrate their potentials to the greatest extent. With respect to the research of Law School colleagues, Prof. Tan explained that he would respect colleagues' academic freedom to the greatest extent, and thus he would only give a broad research direction instead of imposing pressure on colleagues because of RAE or other reasons.

CCCL Director Prof. Wang Jiangyu started his interview by talking about Hong Kong's contribution to China's legal development. He pointed out that, for the past three or four decades, the laws of China have developed from their original simple and rudimentary rules into a sophisticated and complicated legal system with rather comprehensive and highly technical rules. During this legal modernization process, Hong Kong has played a significant role, for example, in facilitating the transplanted of Western laws into the Chinese legal system through legal exchange between Hong Kong and mainland China in academic and market contexts.

As Prof. Wang argued, several advantages, including the "One Country, Two Systems" arrangement, Hong Kong's strategic geographical location in China and the world, and the strong international background of the legal scholars and lawyers in Hong Kong, have sustained the irreplaceable role of Hong Kong's legal academia in serving as a bridge between Chinese law and the international community. On the one hand, unlike legal scholars in mainland China whose legal research are subject to restrictions on various aspects (such as the academic training they received, the macro political environment, research purpose and research methodologies, etc.), Hong Kong's legal scholars are capable of interpreting, analyzing and promoting Chinese law by using internationally accepted methods. On the other hand, the rich international elements of Hong Kong law schools' programmes and the international and comparative research carried out by Hong Kong's legal scholars also help meet the strong demand for comparative legal studies in mainland China — especially the demand for overseas experience with respect to newly emerged legal issues (such as legal liabilities of automatic driving and artificial intelligence, and regulation of crowdfunding, etc.).

On the role of CCCL, Prof. Wang further observed that, as a research institution established in Hong Kong, CCCL also hopes to contribute to legal research centered upon issues which are relevant to and significant for Hong Kong, and to assist in clarifying Hong Kong's status and promoting Hong Kong's influence and contribution to building the rule of law in China. Hence, the study of Hong Kong's past, present and future role in the process of China's legal system development has been set to be one of CCCL's key research focus.

With regard to the research direction and assessment criteria for Hong Kong's legal academia, Prof. Wang pointed out that UGC should not only use internationalization as the sole assessment criteria in its RAE and ignore the local resources and local issues. On the contrary, he was of the opinion that more attention should be given to local knowledge and research questions. Hong Kong should better utilize its advantages of being a place with a unique position to examine China-related legal issues as well as to study Hong Kong's local issues from comparative and international perspectives because this is the value in which Hong Kong is vested.

For the full-text of the relevant reports (in Chinese only), see: <https://www.hk01.com/周報/573285/司法改革-一-如何令普通法與-一國兩制-相適應>; <https://www.hk01.com/周報/573308/司法改革-二-如何令法律研究善用本港優勢-告別-狗尾續貂>; <https://www.hk01.com/周報/573536/司法改革-三-香港法學如何突破-偽國際化-困局>; <https://www.hk01.com/周報/573544/司法改革-四-來自國外的法學院院長-如何化挑戰為動力>.