

# **Letter from the Dean**

May Day, 2020

Dear members and friends of the CityU Law community,

This academic year has been somewhat unprecedented and extraordinarily difficult. It has, amongst other things, made it challenging to arrange meetings and other engagements with alumni and friends of the law school. Hence I am writing this letter to keep you informed of developments in the law school over the recent months. I also look forward to hearing from you and welcome any thoughts that you wish to share with me.

#### **Immediate Past Dean Geraint Howells**



As most of you know, Dean Howells completed his Deanship at the school on 31 August 2019. During his 5-year tenure as Dean, he oversaw improvements in the school's research performance, improvements in student quality, stellar results in mooting competitions, a strengthening of the school's bench strength, while not sacrificing teaching and student learning which continues to be of high quality. The school owes Dean Howells a debt of gratitude and we wish him well in his new role as Professor of Commercial Law at the University of Manchester.

### **Faculty Promotion and New Hires**

Much of the good work that the School of Law does is only possible through the effort of our academic and teaching faculty. I am therefore pleased with Dr Peter Wang's promotion in 2019.



Dr. Wang Shucheng Peter was promoted to Associate Professor of the School of Law in 2019. He has been teaching in the JD, LLM and LLB programs at the School since 2012. Prior to joining CityU, he held an academic position at Peking University. In addition, he has held various visiting positions including at Harvard, Seoul National University, and Academia Sinica in Taiwan.

Given the importance of faculty, attracting strong academics to the school is of utmost importance. The last few months saw a number of strong faculty joining the school in line with our ambition of becoming a leading global law school.



Prof. Wan Wai Yee is Associate Dean of the School of Law. Prior to joining City University of Hong Kong, she was at Singapore Management University, where she last held the positions of Dean of Post-graduate Research Programmes and Professor of Law. Her main areas of research are in corporate law, mergers and acquisitions, securities regulation, financial consumer regulation and global restructuring and insolvency. Her research work centres on the optimal legal institutions and governance framework in order for securities markets to flourish. Her publications have appeared in books and in international peer-reviewed legal journals and she has received external research grants and research awards and fellowships. Her research findings have been relied on in consultation papers involving law and regulatory reforms internationally.



Dr. Julien Chaisse is Professor at the School of Law. He is an award-winning scholar of international law with a focus on the regulation and development of economic globalization. He has published numerous well-regarded and widely cited books and articles, and his scholarship has been cited by international courts/tribunals, as well as U.S. Courts. Dr. Chaisse's teaching and research include international trade/investment law, contract law, international arbitration, and Internet law. Dr. Chaisse served as a senior fellow at the World Trade Institute (Switzerland), lecturer at elite school Sciences Po Aix (France), and as a diplomat for the French Ministry of Foreign Affairs (Embassy of France in India).



Prof. Thomas Crofts holds a joint appointment in the School of Law and Department of Social and Behavioural Sciences. He is a graduate of University College London (LLB (Hons)), the Bayerische Julius-Maximilians-University Würzburg, Germany (LLM) and the European University Viadrina in Frankfurt/O., Germany (Dr iur). His research in criminal law, criminology and criminal justice centres on criminalisation and criminal responsibility with a particular focus on the criminalisation and criminal responsibility of children, comparative criminal law and criminal law reform. Prof. Crofts' teaching interests are in the fields of criminal law, criminology and criminal justice.



Dr. Liu Qiao is Professor at the School of Law. His previous posts include Associate Professor at the TC Beirne School of Law, University of Queensland (Australia); Lee Ka Shing Visiting Professor at McGill University Faculty of Law; and specially appointed Tengfei Adjunct Professor at Xi'an Jiaotong University School of Law. Professor Liu teaches and researches in a wide range of business-related common law and Chinese law topics including contract, commercial law, unjust enrichment, international commercial law, and financial transactions, with a particular interest in the comparative study of Chinese and Anglo-Australian private law.



Dr. Wang Jiangyu is Professor at the School of Law. Before joining CityU, he held a tenured appointment at the Faculty of Law of the National University of Singapore for more than a decade, where he served as the Director of the Asian Law Institute (ASLI) in 2019-2020 and was the founding Deputy Director of the Centre for Asian Legal Studies from 2012 to 2016. Dr. Wang's teaching and research interests include international law and international relations, international economic law, comparative law, company law, securities regulation, and law and development in China.



**Research Excellence** 

Dr. Elena Sherstoboeva holds a joint appointment in the School of Law and School of Creative Media. She is a media & entertainment law researcher and legal practitioner. Her most recent research and expert projects focus on digital piracy as well as online content regulation and policies in the context of international legal standards. She has diverse experience in research, teaching and providing expert reviews in media & entertainment law for academia, industry and international organisations.

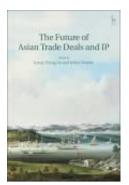
Faculty continue to publish books, journal articles, and conference papers, and a representative selection of books written and edited by faculty is listed below.



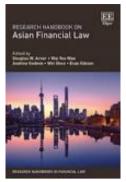
China's International Investment Strategy--Bilateral, Regional, and Global Law and Policy by Julien Chaisse (ed.) (London: Oxford University Press)



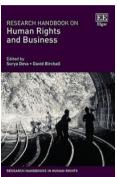
Sixty Years of European Integration and Global Power Shifts--Perceptions, Interactions and Lessons by Julien Chaisse (ed.) (London: Hart, Modern Studies in European Law)



The Future of Asian Trade
Deals and Intellectual
Property
By Kung-Chung Liu and
Julien Chaisse (eds.)
(London: Hart)



Research Handbook on Asian Financial Law by Douglas Arner, Wai Yee Wan, Andrew Godwin, Wei Shen and Evan Gilson (eds) (Edward Elgar)



Research Handbook on Human Rights and Business by Surya Deva and David Birchall (eds.) (Edward Elgar)



GOVERNMENTS, PRIVATE RIGHTS AND INTERNATIONAL TRADE WTO Jurisprudence: Governments, Private Rights and International Trade by Wenwei Guan (London: Routledge)



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EXECUTIVE CLEMENCY
COMPARATIVE AND EMPIRICAL PERSPECTIVES
Edited by
Daniel Pacce and Andrew Norak

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Executive Clemency:
Comparative and
Empirical Perspectives
by Daniel Pascoe and
Andrew Novak (eds.)
(Routledge Research in
Human Rights Law,
Routledge)

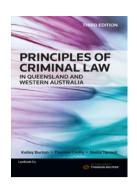


Administrative Law in Hong Kong by **Stephen Thomson** (Cambridge University Press)

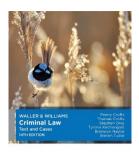


Last Chance for Life: Clemency in Southeast Asian Death Penalty Cases by **Daniel Pascoe** (Clarendon Studies in Criminology, Oxford University Press)

We also welcomed the following new editions of leading texts in various fields.



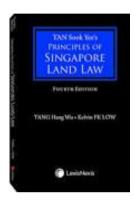
Principles of Criminal
Law in Queensland and
Western Australia
(3rd edition)
by Kelley Burton,
Thomas Crofts and Stella
Tarrant



Waller & Williams
Criminal Law Text and
Cases
(14th edition)
by Penny Crofts, Thomas
Crofts, Stephen Gray,
Tyrone Kirchengast,
Bronwyn Naylor and
Steven Tudor



Law of Personal Property (Second Edition) by Michael Bridge, Louise Gullifer, **Kelvin Low** and Gerard McMeel (eds.) (Sweet & Maxwell, UNITED KINGDOM)



Tan Sook Yee's Principles of Singapore Land Law (4th edition) by **Kelvin Low** and Tang Hang Wu (eds.) (LexisNexis)

#### **Impact**

The school also believes that research should have a tangible and positive effect on society and I'm pleased that my colleagues' research has had an impact on the wider society that we are an integral part of.

**Prof. Julien Chaisse**'s book – China's *International Investment Strategy – Bilateral, Regional, and Global Law and Policy* has received (positive) reviews in more than 15 journals, including Asian Dispute Review 2019, ICSID Review 2020, Journal of International Economic Law 2020, The Journal of World Investment & Trade 2020 and E-pública 2020, to name but a few. Julien has served as a Member of the Hong Kong's Government Board of Review, Advisory Board member of the Asian Academy of International Law, Director of the DOT Trademark Policy Committee and Co-founder of the Internet Intellectual Property Institute. Apart from the appointments in Hong Kong, Julien has also served as Advisor and Partner to the United Nations ARTNET on FDI, is an Active Member of the World Economic Forum, a Member of the



Academic Forum on Investor-state Dispute Settlement, a Member of Internet Corporation for Assigned Names and Numbers' (ICANN) Working Group on "gTLDs' rights protection mechanisms review" and a Member of Internet Corporation for Assigned Names and Numbers' (ICANN) "Accountability and Transparency Review program".



The 4th edition of *Tan Sook Yee's Principles of Singapore Land Law* by **Prof. Kelvin Low,** co-written with Tang Hang Wu, was cited by the Singapore High Court in Ng Kong Yeam (suing by Ling Towi Sing (alias Ling Chooi Seng) and others) v Kay Swee Pin [2019] SGHC 219.The 2nd edition of *Law of Personal Property* by Kelvin, co-written with Michael Bridge, Louise Gullifer, and Gerard McMeel was cited by the Hong Kong CFI in Tiger Resort Asia Ltd v Kazuo Okada [2019] HKCFI 1415.

Kelvin's case comment on "Equitable Title and Economic Loss" (2010) 126 LQR 507, was cited by Matteo Solinas, "Bitcoiners in Wonderland: lessons from the Cheshire Cat" [2019] LMCLQ 433 and by Elena Christine Zaccaria, "The Nature of the Beneficiary's Right under a Trust: Proprietary Right, Purely Personal

Right or Right against a Right?" (2019) 135 LQR 460. Another case comment on "The Perils of Misusing Property Concepts in Contractual Analysis" (2014) 130 LQR 547 by Kelvin was cited by David Fox, "Cryptocurrencies in the Common Law of Property" in David Fox and Sarah Green (eds), Cryptocurrencies in Public and Private Law (2019).

His paper, "Pause the Blockchain Legal Revolution" (2020) 69 ICLQ 135-175, co-written with Eliza Mik, has also been cited by Georgios Dimitropoulos, "The Law of Blockchain" (2020) Washington Law Review (forthcoming). His blog post, "Unpicking a Fin(e)tech Mess: Can Old Doctrines Cope in the 21st Century?" with Oxford Business Law Blog (8 November 2019), co-written with Eliza Mik, was cited by the Singapore Court of Appeal, on appeal from the Singapore International Commercial Court in Quoine Pte Ltd v B2C2 Ltd [2020] SGCA(I) 2.

Prof. Liu Qiao has served as an Editor-In-Chief since 2017 and now a joint-Editor-in-Chief of The Chinese Journal of Comparative Law (CJCL). His article, The White & Carter Principle: A Restatement (2011) 74(2) Modern Law Review 171, has recently been cited by Solene Rowan, 'the Legitimate Interest in Performance in the law of Penalties' (2019) 78(1) Cambridge LJ 148. His article, CISG in Chinese Courts: The Issue of Applicability American Journal of Comparative Law, is cited by NH Han et al, A Study on Application of CISG in the Commercial Arbitration of China - Focus on CIETAC Arbitration Cases 29 J. Arb. Stud. 53 (2019). His book, Anticipatory Breach (Hart Publishing, 2011), is cited by the High Court of Singapore in Tembusu Growth Fund Ltd v ACTAtek, Inc. and Others [2017] SGHC



251, [2018] 4 SLR 1213, [55], [78]. His article, The Pitfall of Subjective Renunciation" ([2010] LMCLQ 359, is cited by the English High Court in Vitol S.A. v Beta Renowable Group S.A. [2017] EWHC 1734 (Comm), [2018] 1 All ER Comm 260, [48].



An article, "Board Independence as a Panacea to Tunneling? An Empirical Study of Related Party Transactions in Hong Kong and Singapore" (Journal of Empirical Legal Studies (2018), pp.987-1020) by **Prof. Wan Wai Yee**, co-authored with Christopher Chen and Wei Zhang, was cited in "Related Party Transactions in Commonwealth Asia: Complexity Revealed" (International Corporate Law and Financial Market Regulation (2019)) by Puchniak Dan and Varottil Umakanth. Another article on "Public and Private Enforcement of Corporate and Securities Laws: An Empirical Comparison of Hong Kong and Singapore" (European Business Organization Law Review (2019), pp.319-361) by Wai Yee, co-authored with Christopher Chen and Say Goo, was cited in the aforementioned paper as well.

**Prof. Wang Jiangyu** is a joint Editor-In-Chief of The Chinese Journal of Comparative Law (CJCL) and was recently appointed Director of the Centre for Chinese and Comparative Law. An article on "Mixed Ownership Reform and Corporate Governance in China's State-owned Enterprises", co-authored with Tan Cheng Han, was featured in the Oxford Business Law Blog (OBLB).





**Dr. Surya Deva** joined the Advisory Board of the Indian Law Review (Routledge). He is also a Member of the UN Working Group on Business and Human Rights, where he wrote and presented to the Human Rights Council the following report: *Gender Dimensions of the Guiding Principles on Business and Human Rights, A/HRC/41/43 (23 May 2019)*. The United Nations Global Compact recently invited Surya to join its Target Gender Equality Global Coalition, a multi-stakeholder group bringing together gender equality and business experts.

**Dr. Stephen Thomson**'s book, *Administrative Law in Hong Kong* was cited in the U.S.-China Economic and Security Review Commission's Annual Report for 2019 to the U.S. Congress. Stephen's book on *The Nobile Officium* (Avizandum 2015) was also used in oral discussion in Vince v Advocate-General [2019] CSIH 51 (unpublished transcript), concerning the legality of the process of the UK's withdrawal from the European Union. He has extensive media engagement in relation to Vince v Advocate-General [2019] CSIH 51, concerning the UK's departure from the European Union, including repeated media citations of S. Thomson, The Nobile Officium (Avizandum 2015).





**Dr. He Tianxiang** was invited to join the Editorial Board of The Chinese Journal of Comparative Law (Oxford University Press). Tianxiang is also an Elected Associate Member of International Academy of Comparative Law (IACL).

**Dr. Julia Tomassetti** was selected to write papers for the Economic Policy Institute (EPI), an economics think tank in the US, as part of its Labor Asymmetry Project. This is a new interdisciplinary project on unequal power in the labor market. Julia was also invited to deliver a keynote address at the World Conference for the Information, Communications, Technology, and Services (ICTS) sector of the Uni Global Union in August 2019 in Kuala Lumpur.





An article, "Any Act, Any Harm, To Anyone: The Transformative Potential of 'Human Rights Impacts' Under the UN Guiding Principles on Business and Human Rights" (University of Oxford Human Rights Hub Journal 1(2) (2019), pp.120-147) by **Dr. David Birchall,** was cited by Tara Van Ho on "Vedanta Resources Plc and Another v. Lungowe and Others" (American Journal of International Law 114.1 (2020), pp.110-116). David has just posted the blog, 'The Pandemic, Personal Crises, and Structures of Injustice' with Cambridge University Press.

**Dr. Christopher To** was elected as Chairman of the Hong Kong Institute of Directors and Deputy Chairman of the Construction Dispute Resolution Committee of the Hong Kong Institution of Engineers for the term 2019 to 2020. Christopher was also the winner of the Bali International Arbitration and Mediation Centre-Top 10 Mediators in the Asia Pacific Region and the only one from Hong Kong and China. He has just been awarded the title of Who's Who Legal: Thought Leaders - Hong Kong 2020 on Mediation.





Publications by **Prof. Tan Cheng Han** have been cited

in various cases, including Sim Tee Meng v Haw Wan Sin David [2020] 1 SLR 82; [2019] SGCA 71; Ong Bee Chew v Ong Shu Lin [2019] 3 SLR 132; Innovative Corp Pte Ltd v Ow Chun Ming [2019] SGHC 121 and Public Prosecutor v Ewe Pang Kooi [2019] SGHC 72. His article "State-Owned Enterprises in Singapore: Historical Insights into a Potential Model for Reform" (2015) 28 Columbia Journal of Asian Law 61 (co-written with D. Puchniak and U. Varottil) was cited by Lance Ang and Wang Jiangyu in "Judicial Independence in Dominant Party States: Singapore's Possibilities for China (2019) 14 Asian Journal of Comparative Law 337; Matthew Ocran, Economic Development in the Twenty-first Century (Springer, 2019); and Mahmoud Nabi, Making the Tunisian Resurgence (Springer, 2019). His article "Piercing the Corporate Veil – A Fresh Start" [2015] JBL 20 was cited by Remus Valsan, "National Report on the United

Kingdom" in Groups of Companies – A Comparative Law Overview (Springer, 2020). Cheng Han has recently been appointed to the Advisory Editorial Board of the Chinese Journal of Comparative Law, the Standing Committee on Legal Education and Training (HK SAR) as well as the Law Reform Commission (HK SAR).

#### **Student Achievements**

Our students received extensive training from experts in their fields to better prepare them for various competitions. In the academic year 2018-19, the moot teams achieved outstanding results, especially in the following competitions:

<u>The 1st International Chamber of Commerce (ICC) International Commercial Mediation Competition - Hong Kong, 12-15 October 2018</u>

Champions



<u>The 14th International Chamber of Commerce (ICC) International Commercial Mediation Competition</u>
<u>- Paris, 7-13 February 2019</u>

 Distinction for the performance of a team from a university participating in the Competition for the first time

Manfred Lachs Space Law Moot Court Competition Held in India, 28-31 March 2019

- Third Place overall out of 34 teams
- Oralist award

<u>The 26th Annual Willem C. Vis International Commercial Arbitration Moot Held in Vienna, 12-18 April</u> 2019



- Advanced to the top 32 out of 378 teams
- Second Runner Up for Werner Melis Award Best Memorandum for Respondent (3rd place from 378 teams)
- Honorable Mention for Eric E. Bergsten Award Team Orals
- Honorable Mention for Pieter Sanders Award Best Memorandum for Claimant

HKICS Corporate Governance Paper Competition and Presentation Awards 2019



The Hong Kong Institute of Chartered Secretaries (HKICS) Corporate Governance Paper Competition and Presentation Awards 2019 was successfully held at City University of Hong Kong (CityU) on Saturday, 21 September 2019. This Corporate Governance Paper Competition has been organized by HKICS since 2006 in order to raise the awareness of the importance of good governance for undergraduates of local universities. The theme for 2019 was "How is good governance of Non-Governmental Organisations (NGOs) similar to, and different from, good corporate governance of public companies".

Twenty-one teams of undergraduates submitted their papers. The six finalist teams were selected for presentation to compete for the Best Presentation Award. Of the six teams, two teams came from our CityU law students. One group (with one former LLB student, CHAN Pak Hay (who is currently our PCLL student) and one HKBU student) was awarded the Champion for Paper Writing, while the other group (with two LLB students, KWONG Jasmine Nicole and LEUNG Yu Yan Ruby) was awarded the Second Runner-up for Paper Presentation. They have done well in the competition and the School is very proud of their achievements.

#### City University of Hong Kong Law Review

The *CityU Law Review* is the only student-run law review in Hong Kong. The Editorial Board published Volume 6 in April 2019 and expects to publish Volume 7 before this summer.

#### **International Collaboration**

Forging meaningful international links is important to the standing and reputation of law schools and I'm pleased to announce that the school has developed the following collaborations.

#### Private Law Consortium

The Private Law Consortium links centres and groups for commercial and private law research at leading international law schools around the world with the primary goal of facilitating an exchange of ideas in the fields of private and commercial law. It aims to create and maintain a scholarly community committed to the study of private law and to strengthen the ties between member schools. In addition to the CityU School of Law, its members are Bar Ilan University Faculty of Law, Vanderbilt University Law School, University of Pennsylvania Law School, Trento University Faculty of Law, Durham Law School, Erasmus Law School and the National University of Singapore.

#### Center for Transnational Legal Studies

The Center for Transnational Legal Studies in London is a one-of-its-kind global partnership in legal education, and includes students and faculty from 20 world-class law schools including CityU of Hong Kong, Georgetown, King's College London, Hebrew University of Jerusalem, Fribourg University, and Melbourne University. Students and faculty from the partner schools participate in a semester-long programme that focuses on international, comparative and transnational law.

#### THEMIS – The International Legal Network of Excellence

The school recently became the second Asian law school to join the THEMIS network which was originally a collaboration between European law schools, namely Università Bocconi (Milan, Italy), Esade (Barcelona, Spain), Freie Universität (Berlin, Germany), Université Paris Est Créteil Val de Marne (Paris, France), Maastricht Law School (Maastricht, The Netherlands), Universität St. Gallen (Switzerland) and WU (Vienna University of Economics and Business) (Austria).

THEMIS represents a network of institutions that have come together to create a new standard in business law in response to an ever-increasing demand for law professionals with international knowhow and expertise. Outstanding students from the THEMIS network of universities who are selected to participate in the programme obtain a unique opportunity to go on an international exchange at a partner university, participate in international internships and attend specialised THEMIS seminars. The THEMIS Seminars provide students with a chance to delve deeper into an area of international law relevant to their academic career and is held on a rotating basis by the THEMIS universities.

#### Biennial Conference Series on Commercial Law

The school in collaboration with Notre Dame, National University of Singapore, and University College London will also be collaborating on a new biennial conference series on Commercial Law. The first will be on "Intermediaries in Commercial Law" to be held at UCL on 10-11 June 2021. Intermediaries play an important role in many aspects of commercial law. Yet there has been little focused attention upon intermediaries as a crucial category of actors. The aim of this conference is to consider current issues concerning intermediaries from a number of different angles, adopting a range of methodological approaches. The conference will consider the rights and liabilities of intermediaries, and how intermediaries can affect the legal position of others.

#### **Alumni**

We very much value our alumni and it is our goal to stay in constant touch. While the Covid-19 pandemic has made this difficult, we look forward to resuming this at a suitable time. The school is very grateful to our Alumni Association led by Mr Kay Chan and his team for its strong support.

During this academic year, we are glad that there were opportunities for students and staff to meet alumni, including a lunch that the Chairman of CityU's Council, Mr Lester Huang, was able to attend to meet senior members of the Alumni Association.

In addition, the Alumni Association organized a few drinks events where our students, alumni and staff met and networked. We are also in collaboration with the Alumni Association in organizing workshops for the benefit of students to better prepare them for the legal profession.



Alumni appointed to the Judiciary are a particular pleasure for law schools. On behalf of the School, I warmly congratulate Miss Minnie Wat Lai-man (LLB '06 and PCLL '07), Mr Peter Yu Chun-cheung (LLB '06 and PCLL '07) and Mr Jeffrey Sze Cho-yiu (LLB '09 and PCLL '10) on their appointment as Permanent Magistrates.

# **Keeping in touch**

I hope you have found this update useful and interesting. There are a number of new exciting initiatives and developments that you can expect in the near future. For more timely updates please visit our social media platforms at Facebook: <a href="https://www.facebook.com/cityuslw">https://www.facebook.com/cityuslw</a> and WeChat: CityU\_Law.

On behalf of all of us at CityU Law, I wish you good health and a fulfilling year ahead notwithstanding these somewhat trying times.

Sincerely,

Professor TAN Cheng-Han, SC

To Chy Han

Dean & Chair Professor of Commercial Law

School of Law

City University of Hong Kong

# 香港城市大學基金

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