

Centre for Comparative and
Transnational Law

Annual Activities Report

2022 - 23



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The Centre for Comparative and Transnational Law (CCTL) at CUHK LAW

The Centre for Comparative and Transnational Law 比較法與跨國法研究中心 (CCTL) began operation in April 2020 to encourage, and provide institutional support to, comparative and transnational law research at CUHK LAW. Now, three years later, CCTL has established itself as one of the world's leading convenors of legal seminars, conferences, and workshops, and a hub of collaborative, cutting-edge research.

Mission

CCTL aims to

- conduct cutting-edge and innovative research in the areas of comparative and transnational law;
- foster collaborative research projects within CUHK LAW and with external parties;
- create high impact through research in academia and non-academic circles;
- develop policy proposals for consideration of government bodies in Hong Kong and beyond;
- be recognised as the leading centre of excellence in the areas of comparative and transnational law in Asia;
- contribute to excellence in teaching across the University by promoting interdisciplinary approaches to course design and materials, as well as teaching-related collaboration with other Faculties;
- contribute to the betterment of society locally, regionally and internationally through knowledge transfer activities, including media engagement and consultation with international and non-governmental organisations.

CCTL reaches a broader audience through a strong presence on social media platforms such as Facebook, Twitter, and LinkedIn. Video recordings of its events are available on the Faculty's website and YouTube channel. The Centre's online presence has also brought it greater visibility and increased engagement among scholars and with the audience via ZOOM. Thanks to its large number of seminars, book talks, and conferences, CCTL has been able to offer high-quality online content free of charge, reaching demographic groups (including students and scholars in the Global South) who would not have been able to access this content otherwise.

Organisation

CCTL is organized into seven research clusters that pursue innovative and impactful comparative research across several fields including comparative constitutional law, private international law, transnational economic law, legal history, environmental law, corporate law and governance, and the law of obligations.



Each cluster is chaired by a CUHK LAW faculty member and includes other CUHK LAW faculty members, postdoctoral scholars, postgraduate students, and affiliated scholars from other CUHK faculties and other universities.

Internal Organisation

Executive Director

Professor Anatole Boute, PhD in Law (2011, University of Groningen), is a Professor at The Chinese University of Hong Kong, specialising in the fields of energy, environmental and investment law. His research focuses on the legal aspects of the transition of energy systems towards sustainability, with a special interest for energy market reforms in emerging economies. Anatole Boute graduated in Political Sciences (2003) and Law (2004) from the University of Leuven and holds an advanced master (LLM) in Energy and Environmental Law (2005) from the same university. In 2005, he was called to the Brussels bar where he practiced until 2009 with the Energy Law team of Janson Baugniet. He advised on and was involved in litigation concerning the promotion of renewable energy sources, energy efficiency, greenhouse gas emissions trading, the liberalisation of energy markets and nuclear energy. In January 2011, he defended his PhD on the modernisation of the Russian electricity production sector at the University of Groningen under the supervision of Professor Martha Roggenkamp. Based on the results of this research, he advised the United Nations Conference on Trade and Development (World Investment Report 2010), the International Energy Agency (2014 In-Depth Review of the Russian Energy Sector) and the Energy Charter Secretariat (Power Sector Reform in Central Asia). Between 2011 and 2016, he was legal advisor to the International Finance Corporation Russia Renewable Energy Program (The World Bank). He is the author of *Russian Electricity and Energy Investment Law* (Leiden/Boston: Brill Nijhoff, 2015) and of articles in several internationally peer reviewed journals, including the *Fordham International Law Journal*, *ICSID Review*, *Common Market Law Review*, *Transnational Environmental Law*, *Journal of Environmental Law*, *European Law Review*, *Europe-Asia Studies*, *Energy Policy*. In 2009, he received the Willoughby Prize for his articles published in the *Journal of Energy & Natural Resources Law*. Anatole Boute is the founder of the LLM program in Energy and Environmental Law and is in charge of the program's coordination.



Deputy Director

Professor James Si Zeng is an Assistant Professor of law and Deputy Executive Director of the Centre for Comparative and Transnational Law (CCTL) at The Chinese University of Hong Kong. He works on corporate law, financial regulation, and law and economics. His scholarship has appeared or will appear in leading student-edited law reviews such as the University of Pennsylvania Journal of International Law, Columbia Journal of Asian Law, Review of Banking and Financial Law, as well as peer-review journals such as the European Business Organizational Law Review, Peking University Law Journal (中外法学), and Hong Kong Law Journal. His doctoral dissertation, State Ownership as a Substitute for Costly Regulation, was supported by the Oscar M. Reubhausen Fund at Yale Law School. He is also conducting research on Chinese corporate law supported by the Early Career Scheme of the Research Grant Council of Hong Kong, China. Professor Zeng graduated from Yale Law School with an LL.M and a JSD. degree. Prior to that Professor Zeng graduated from Peking University (LL.B., BA in Economics, Mphil in Law). He passed the National Judicial Examination of China and is admitted to the New York State Bar.



Staff

Ms. Bonnie Leung is Project Co-ordinator at the Faculty of Law of The Chinese University of Hong Kong. She provides administrative support to the Faculty's two research centres, the Centre for Comparative and Transnational Law (CCTL) and the Centre for Legal Innovation and Digital Society (CLINDS).

CCTL Research Clusters

Comparative Constitutional Law Research Forum

The Comparative Constitutional Law Research Forum engages with global scholarship on comparative constitutional law. The aims of the Forum are threefold: knowledge, theory, and practice. The Forum seeks to generate substantive knowledge about comparative constitutional law; to engage in debates on important comparative constitutional concepts and theories; and to provide a reference resource on constitutional issues for constitution-makers, judges, and other practitioners.

The Forum pursues these aims through the following activities: research, teaching, consultancy, and academic exchange and collaboration.

Members

- Prof. Rehan Abeyratne (Cluster Chair until June 2023)
- Prof. Stuart Hargreaves
- Prof. Ryan Mitchell
- Prof. Christopher Roberts

Corporate Law and Governance Cluster

The cluster group's central area of speciality lies in comparative corporate law and governance. Members have carried out notable research in the area that addresses issues of global and regional significance, such as corporate takeovers, corporate charters, corporate veil piercing, corporate ownership, corporate boards, securities enforcement actions, and shareholder voting. The standing of members in the field is recognised by their publications in leading peer-reviewed international journals. One member has recently secured a book contract from the Cambridge University Press to co-edit the Handbook on Comparative Shareholder Engagement and Voting, a major comparative undertaking involving 19 jurisdictions. Members have also engaged in generating impact by way of giving media interviews and contributing op-eds. Members of the cluster group have had established links with non-academic beneficiaries of their research. These include regulatory/statutory bodies, courts and NGOs in Hong Kong and mainland China, such as Securities and Futures Commission of Hong Kong, China Securities Regulatory Commission, Asset Management Association of China, and China Securities Investor Services Center.

Members

- Prof. Chao Xi (Cluster Chair)
- Prof. Dicky Tsang

- Prof. James Zeng
- Dr. Ning Cao
- Dr. Sirui HAN

Environmental, Energy and Climate Law Cluster

This Cluster aims to promote research and collaboration on environmental, energy and climate law. It organises events on a regular basis in collaboration with various academic and non-academic partners in the region and beyond. It also engages students enrolled in CUHK's Energy and Environmental Law LLM, and PhD researchers.

Members

- Prof. Agnes Chong (Cluster Chair)
- Prof. Anatole Boute
- Prof. Jae Woon Lee
- Prof. Benoit Mayer
- Prof. Hao Zhang
- Prof. Yuhong Zhao

Affiliated Scholars

- Ms. Zhen Chen, Founding partner, Sunshine Law Firm (PRC) Vice President, Energy Law Institute, China Law Society Deputy Director, Renewable Energy Professional Committee, China Energy Research Society
- Prof. Kaj Hobér, Professor, Department of Law, University of Uppsala
- Prof. John Paterson, Chair in Law, School of Law, University of Aberdeen
- Prof. Yuan Xu, Associate Professor, Department of Geography and Resource Management, CUHK

Obligations Lab Asia

The Obligations Lab Asia aims to challenge conventional wisdom regarding the law of obligations with the ultimate goal of developing new lines of thinking so as to stimulate and re-invigorate related debates. It does so by engaging in innovative comparative research regarding different aspects of the law of obligations. It concentrates on the core private law areas of the law of obligations, i.e., contract law, tort law and the law of unjust enrichment, but also explores the relationships with other areas such as property law and equity and trusts as well as with public law themes. Special attention is given to the practical impact of doctrinal questions as well as the impact of new technologies.

Members

- Prof. Normann Witzleb (Cluster Chair)
- Mr. Michael Fisher
- Mr. Elliot Fung
- Prof. Steven Gallagher
- Mr. Alan Gibb
- Prof. Stephen Hall
- Mr. Arthur Lee
- Prof. Eliza Mik
- Prof. Peter Rhodes
- Prof. Lutz-Christian Wolff

Private International Law Group

With the ever-increasing international traffic, communication and trades, there is no time in history private international law has played a more important role. Private international law is particularly important for Hong Kong given its role as the hub of cross-border transactions and legal disputes. It is the mission of our cluster to promote the understanding of private international law for both academics and practitioners. This is not limited to the private international law of Hong Kong, but also other private international law systems. The interactive nature of our discipline calls for a comparative approach. The key initiative of our cluster is the Cross-Border Legal Issue Dialogue Seminar Series. This seminar series invites leading practitioners and academics to speak on a regular basis on topics on cross-border legal matters, particularly those relevant to private international law, and provides opportunities for interactive dialogue. Cross-Border Legal Issue Dialogue Seminar Series

Members

- Prof. Dicky Tsang (Cluster Chair)
- Mr. Alan Gibb
- Prof. Jyh-An Lee
- Prof. Lutz-Christian Wolff

Transnational Economic Law and Dispute Settlement Group

The Transnational Economic Law and Dispute Settlement (TELDS) group focuses on transnational economic law, including international trade and investment law, international taxation, aviation law, and transnational dispute settlement. Members research in areas that address issues of global and regional significance, such as the crisis of multilateralism, trade and

investment issues related to the Belt and Road Initiative, investment arbitration and mediation, cross-border data regulation, double taxation issues, investment in the energy sector, aviation sector, and the transnational governance of state capitalism.

TELDS' members have a strong track record of securing internal and external competitive grants from a variety of academic and non-academic granting bodies, publications in leading peer-reviewed international journals and well-received books. Members continuously engage in and impact public discourse through media appearances and the publication of policy-focused opinion pieces. TELDS' members collaborate with academic and non-academic entities that include international, and regional agencies such as the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), World Intellectual Property Organization (WIPO), the Association of Southeast Asian Nations (ASEAN), and the Energy Charter Treaty (ECT) and think tanks such as the Heinrich Foundation, Konrad-Adenauer-Stiftung (KAS) and Cato Institute.

Members

- Prof. Bryan Mercurio (Cluster Chair)
- Prof. Anatole Boute
- Prof. Jae Woon Lee
- Prof. Jyh-An Lee
- Prof. Noam Noked
- Prof. Jingyi Wang
- Prof. Yueming Yan

Transnational Legal History Group

The Transnational Legal History Group at CUHK LAW is geared towards producing innovative work exploring under-studied areas of global legal history. The group is organised around three thematics: Asian Legal History, Comparative Approaches to International Law, and the History of Empire. The group aims to provide a forum for the discussion and dissemination of scholarship, to explore new opportunities for inter-faculty collaboration, and to develop channels and networks through which the insights generated by scholarship may be connected to, and help to shape, contemporary practices on the global level.

Members

- Prof. Christopher Roberts (Cluster Chair)
- Prof. Steven Gallagher
- Prof. Gregory Gordon
- Prof. Shixue Hu

- Prof. Michelle Miao
- Prof. Ryan Mitchell
- Prof. Lutz-Christian Wolff

Affiliated Scholars

- Prof. Ngoc Son Bui, Professor of Asian Laws, Faculty of Law, University of Oxford
- Prof. Norman P. Ho, Professor of Law, Peking University School of Transnational Law
- Prof. Stuart McManus, Assistant Professor, Department of History, CUHK
- Prof. James Morton, Assistant Professor, Department of History, CUHK
- Dr. Christopher C. Munn, HKIHSS Fellow, Hong Kong Institute for the Humanities and Social Sciences, The University of Hong Kong
- Prof. Leilah Vevaina, Assistant Professor, Department of Anthropology, CUHK

Clusters' Chairpersons

Prof. Rehan Abeyratne (until June 2023)

Rehan Abeyratne is an Associate Professor of Law at The Chinese University of Hong Kong. He teaches undergraduate (LLB) and postgraduate (JD/LLM) courses on the Hong Kong Legal System, Constitutional Law, Comparative Legal Studies, Comparative Constitutional Law, and the Laws & Legal System of the United States. He received the Faculty of Law's Teaching Excellence Award in 2019.



Professor Abeyratne's primary research area is comparative constitutionalism. From 2020-22, he served as the founding Executive Director of the Centre for Comparative and Transnational Law (CCTL). He is currently Chair of the Comparative Constitutional Law Research Forum within CCTL. He is also co-chair of the International Society of Public Law (ICON-S) Committee on New Directions in Scholarship, Subject Editor at the Asian Journal of Comparative Law, and Book Reviews Editor at Comparative Constitutional Studies. Professor Abeyratne is the author of *Strategic Cosmopolitanism: LGBTQ Rights in an Age of Judicial Retrenchment* (forthcoming with Oxford University Press). He is a co-editor of *Towering Judges: A Comparative Study of Constitutional Judges* (Cambridge University Press 2021), *The Law and Politics of Unconstitutional Constitutional Amendments in Asia* (Routledge 2021), and the *Routledge Handbook of Asian Parliaments* (Routledge 2023). He has authored articles in leading journals including the *International Journal of Constitutional Law* (I-CON), *Yale Journal of International Law*, and *Global Constitutionalism*, as well as chapters in edited volumes published by Hart,

Cambridge University Press, and Oxford University Press. He received the Faculty of Law's Research Excellence Award in 2021.

Prior to joining CUHK, Professor Abeyratne was a Scholar in Residence at the Center for Human Rights and Global Justice at New York University (NYU) School of Law. He has also held visiting positions at Melbourne Law School and the National University of Singapore (NUS) Faculty of Law. From 2011-16, Professor Abeyratne was an Associate Professor of Law at the Jindal Global Law School in Delhi, India. At Jindal, he also served as Assistant Dean (Research) and as Executive Director of the Centre for Public Interest Law. He received the Jindal Teaching Excellence Award in 2014, and the Research Excellence Award three times (2012-14).

Prof. Chao Xi

Chao XI is Professor and Outstanding Fellow of the Faculty of Law at The Chinese University of Hong Kong, where he concurrently serves as Associate Dean (Research) and Head of Graduate Division of Law, and chairs the CCTL Corporate Law and Governance Cluster. He also directs the Chinese Law Program of the Hong Kong Institute of Asia-Pacific Studies, CUHK. Professor Xi specialises in comparative corporate law, securities regulation, and financial regulation, with a particular focus on the case of China. He has published extensively in leading peer-reviewed international journals, including the *Banking and Finance Law Review*, *European Business Organization Law Review*, *Journal of Business Law*, and *Journal of Comparative Law*, *Statute Law Review*, and *Tort Law Review*. His research has received significant funding support from the Hong Kong SAR Government Research Grants Council, the PRC Ministry of Education, the Government of India, and the Sumitomo Foundation. He has been appointed by the Policy Innovation and Co-ordination Office (PICO) of the Hong Kong SAR Government to serve on the Assessment Panel of its Public Policy Research (PPR) and Strategic Public Policy Research (SPPR) Funding Schemes. Professor Xi holds visiting positions at various leading overseas institutions. He serves on the Editorial Board of a number of international peer-reviewed journals, including *The China Review* (SSCI-indexed), the *Hong Kong Law* (SSCI-indexed), and the *Journal of Banking and Finance Law and Practice*. Professor Xi is also a Member of the Chartered Institute of Arbitrators (CI Arb), UK, and is on the panels of arbitrators in several arbitration institutions. He has regularly been engaged by law firms, multinationals, and government departments and agencies as an expert.



Prof. Agnes Chong

Dr. Agnes Chong is an Assistant Professor at The Chinese University of Hong Kong, Faculty of Law. Dr. Chong's research interests include international law, watercourses law, environmental law and human rights law.

Dr. Chong obtained her PhD in International Law (pass with no revisions) from the University of Hong Kong, Faculty of Law. Her doctoral thesis, "The Non-Hierarchical Norms of No-Harm and Equitable Utilisation in International Watercourses Law," was nominated for the Li Ka-Shing Prize 2018, a university-wide recognition for research excellence. After completing her doctoral studies, Dr. Chong was a visiting scholar at the University of Cambridge.



Dr. Chong has an LLM in Human Rights Law from the University of Hong Kong, an MSc in Development Studies from the London School of Economics and BA in Chinese and Management Studies from the University of Leeds. She also spent two years studying in China at Tianjin Normal University and the Johns Hopkins University–Nanjing University, Center for Chinese and American Studies.

Dr. Chong is admitted as a solicitor of the High Court of Hong Kong. She has broad professional experience in law and policy in Asia, having worked in leading international law firms Freshfields Bruckhaus Deringer, O'Melveny & Myers and Cleary Gottlieb Steen and Hamilton in Hong Kong, and in international organisations working with the United Nations and the World Bank's International Finance Corporation in Thailand and China.

Dr. Chong is an editorial board member of the Asia-Pacific Journal on Human Rights and the Law, and Chair of the CUHK Law, Centre for Comparative and Transnational Law, Environmental, Energy and Climate Law Cluster.

Prof. Normann Witzleb

Normann Witzleb joined CUHK LAW in 2021. He was previously an Associate Professor and Associate Dean (International and Engagement) in the Faculty of Law of Monash University Australia. His research focus is on privacy and data protection law, the law of torts and remedies, as well as comparative law. His recent book publications include *Big Data, Political Campaigning and the Law: Democracy and Privacy in the Age of Micro-Targeting* (Routledge, 2020), with M Paterson & J Richardson (eds) and *Remedies: Commentary and Materials*, 7th ed (Thomson Reuters, 2020), with E Bant, S Degeling & K Barker. Prof Witzleb maintains an adjunct position at Monash Law. He is admitted to practice in the Australian Capital Territory, a barrister of the High Court of Australia and a fully qualified German lawyer. In 2019 and 2020, he consulted with the Australian Attorney-General's Department and the Office of the Australian Information Commissioner on law reform projects in privacy and information law.



Prof. Dicky Tsang

Dr. Dicky Tsang is an Associate Professor in the Faculty of Law at The Chinese University of Hong Kong. His main research areas are private international law and company law. His work has appeared in a number of leading international journals, including the *Virginia Journal of International Law*, the *Vanderbilt Journal of Transnational Law* and multiple articles in the *Journal of Private International Law*. Prior to joining academia, he practised as a corporate finance lawyer at two leading international law firms, working in their New York, London, Hong Kong, Beijing and Shanghai offices. He is admitted to practice in the state of New York, England & Wales and Hong Kong. Dr. Tsang was awarded his LL.B. and PCLL at the University of Hong Kong. He also holds degrees from Georgetown University (SJD), Columbia University (LL.M., JD) and University College London (LL.M.).



Prof. Bryan Mercurio

Bryan Mercurio is the Simon F.S. Li Professor of Law at The Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14 and again from 2017-19. Professor Mercurio specialises in international economic law (IEL), with particular expertise in the intersection between trade law and intellectual property rights, free trade agreements, trade in services, dispute settlement and increasingly international investment law. Professor Mercurio is co-author of one of the most widely used textbooks on WTO law (Hart Publishing, 2018, 3rd ed) and co-editor of the leading collection on bilateral and regional trade agreements (Cambridge University Press, 2nd ed, 2016). His most recent monograph explores the international and domestic framework for pharmaceutical patent law and policy (Cambridge University Press, 2018). His next monograph focuses on the legality of capital controls under the various strands of IEL (Cambridge University Press, 2021/22). Professor Mercurio currently holds three competitive grants, namely a grant from the Hong Kong General Research Fund entitled ‘When Regimes Clash on Capital Controls: Managing the Conflicting Norms and Standards of the IMF, WTO and International Investment Agreements’, a grant from the Hong Kong Policy Innovation and Co-ordination Office Public Policy Research Funding Scheme entitled, ‘Regulating Cross-Border Data: A Public Policy Framework for Hong Kong’ and a grant from the Humanities and Social Sciences Prestigious Fellowship Scheme entitled ‘Reshaping Global Trade: The Impact and Effects of the US-China Trade War’.



Prof. Christopher Roberts

Professor Roberts is an Assistant Professor and the Deputy Director of the LLB Programme at The Chinese University of Hong Kong. Professor Roberts’ academic interests include comparative approaches to human rights, procedural issues before human rights tribunals, the relationship between international sanctions regimes and public international law, and approaches to systemic and structural harms within national and international law. Professor Roberts’ current research focuses on the historical evolution of public order legality in nineteenth and early twentieth century Britain and the British Empire. From 2021, he will be pursuing a University Grants Committee-funded ECS project, exploring the exportation and evolution of vagrancy laws in the nineteenth-century British Empire. Professor Roberts is the Chair of the Transnational Legal History Group within the Law Faculty’s Centre for Comparative and Transnational Law, and a member of the Comparative Constitutional Law Forum. In addition to his academic work, Professor Roberts has



worked as an expert legal consultant addressing issues such as constitutional and legal reform, the rule of law and human rights standards with intergovernmental and non-governmental organisations such as the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the International Institute for Democracy and Electoral Assistance, the African Commission on Human and Peoples' Rights, the International Foundation for Electoral Systems, the International Center for Not-for-Profit Law, the International Federation for Human Rights, Avocats Sans Frontières, the International Service for Human Rights, the International Refugee Assistance Project, the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights, the Arab Center for the Promotion of Human Rights, Transparency Maldives, and many others. Professor Roberts is currently serving as a senior adviser to the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association.

Steering Committee

Prof. Lutz-Christian Wolff (Chairman)

Professor Wolff is Dean of the Faculty of Law and Wei Lun Professor of Law. Prior to that he was the Dean of the CUHK Graduate School from September 2014 to August 2019. Professor Wolff was a founding member of the Faculty of Law (then: School of Law). He has served amongst others as Associate Dean (Faculty Development) (9/2008 to 7/2010), as Director of the Master of Laws Programmes in International Economic Law, Common Law and Chinese Business Law (9/2008 to 7/2011) and as Associate Dean (Graduate Studies) & Head of Graduate Division of Law (8/2010 to 8/2014). Professor Wolff specialises in International and Chinese



Business Law, Comparative Law, and Private International Law. He has studied, worked and conducted research in a number of jurisdictions, including mainland China, Taiwan, and the USA. He is admitted to practice in England & Wales and in Germany. He is frequently invited to work as a consultant with multi-national companies and law firms on investment projects in the Greater China region.

Prof. Anatole Boute

Professor, CUHK LAW (see bio above)

Prof. Chao Xi

Professor, CUHK LAW (see bio above)

Prof. James Zeng

Assistant Professor (see bio above)

Prof. Jaclyn Neo

Associate Professor at National University of Singapore and Director, Centre for Asian Legal Studies

Jaclyn is a scholar of comparative constitutional law as well as law and religion in Asia. She also has an emerging research interest in access to justice issues in Singapore. Jaclyn is a recipient of multiple academic scholarships from NUS, including the NUS Overseas-Graduate Scholarship. During her time at Yale Law School, where she completed her Master of Laws and her Doctor of the Science of Law (JSD), Jaclyn co-founded the JSD program's now flagship Annual Doctoral Scholarship Conference and the Yale Law School's Debating Law and Religion series. Jaclyn is a principal investigator and co-principal investigator of multiple competitive research grants from the Ministry of Education, the Singapore Judicial College, Humboldt-Universität zu Berlin-NUS Joint Project, and the NUS Law-Melbourne Law School Research Partnership. She has received awards for her scholarship. Her article on domestic incorporation of international human rights law in a dualist state won the Asian Yearbook of International Law's DILA International Law Prize. In 2017, in recognition of her research on religious freedom in Southeast Asia, she was awarded the SHAPE-SEA Research Award. Jaclyn has published in leading journals in her field, including the International Journal of Constitutional Law (I-CON), the Oxford Journal of Law and Religion, and the Asian Journal of Comparative Law. She is editor/co-editor of multiple volumes, including the Constitutional Interpretation in Singapore: Theory and Practice (Routledge, 2017), Pluralist Constitutions in Southeast Asia (Hart, 2019), Regulating Religion in Asia: Norms, Modes, and Challenges (CUP 2019), Constitutional Change in Singapore: Reforming the Singapore Elected Presidency (Routledge, 2019), and Religious Offences in Common Law Asia: Colonial Legacies, Constitutional Rights and Contemporary Practice (Hart, 2020). She has also served as guest editor for the Singapore Academy of Law Journal, Journal of Law, Religion, and State, Journal of Comparative Law, Journal of International and Comparative Law, and the Asian Journal of Law and Society. Her work has been cited by the courts in Singapore and by the Supreme Court of India. Her co-authored monograph on Litigants in Person in Singapore will be published by Singapore Academy of Law Publishing in 2021.



Professor Michael Martinek holds the chair for Civil and Commercial Law, Business Organisation Law, Comparative Law and Private International Law of University of Saarland in Saarbruecken, Germany, since 1986. He is also director of the Institute of European Law. He was born on October 5, 1950 near Duesseldorf where he went to school until 1969, specialising in ancient languages (Latin, Greek, Hebrew). Thereafter he underwent a practical apprenticeship in his father's transport and shipping business which lasted two years, one of which he spent abroad (London, Birmingham, Paris, Milan). From 1971 to 1976, he studied law and philosophy in Berlin, London and Hamburg and passed the first state examination in law (1976). After two years of practical experience as lawyer in different positions he passed the second state examination in Hamburg (1979). He wrote a doctoral thesis in law (Dr.iur., Berlin 1978) and one in political sciences (Dr.rer.publ., Speyer 1981). He was awarded the degree "Master of Comparative Jurisprudence" by New York University in 1982 after one year of studies in the USA. Thereafter he was an assistant to Professor Dieter Reuter at the universities of Tuebingen and Kiel. Having achieved the professorial qualification (venia legendi) in 1986, he was a docent at the University of Muenster/Westfalia, before he was appointed professor for life at Saarland University in Saarbruecken.



Overview of Activities

This report covers the period from **1 August 2022 to 30 June 2023**. CCTL organized 36 events including:

- Book Discussions
- Seminars
- Conferences/ Symposiums

Most events were conducted online (via ZOOM). These events were recorded, and many of them are available on the CUHK LAW YouTube Chanel and on the Faculty's website. These recordings were also shared through the CCTL and CUHK LAW social media accounts and written summaries of the events are regularly published in The Hong Kong Lawyer.

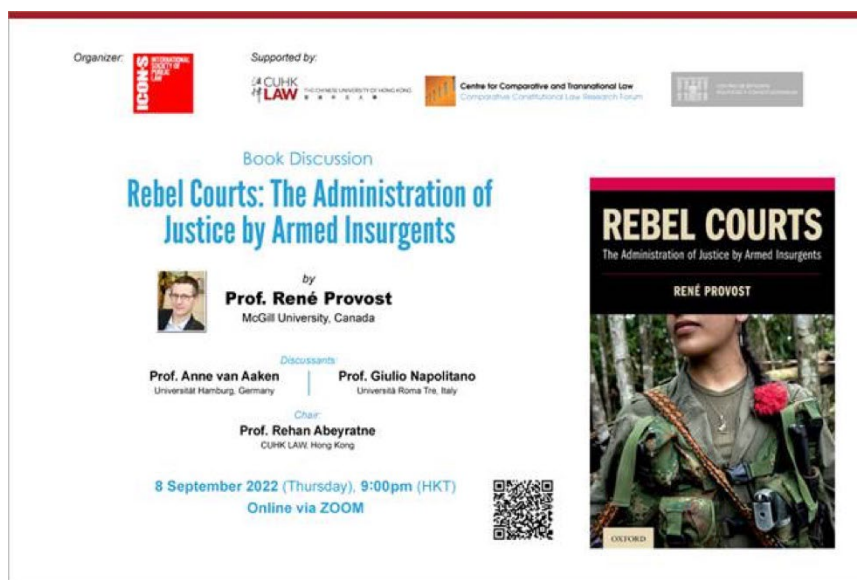
During the past year, CCTL has established several collaborations and organized high-impact events that have involved local and foreign public officials, judges, lawyers, and diplomats.


Book Discussions




International Society of Public Law (ICON-S) New Scholarship Showcase

CCTL, along with the Centro de Estudios Políticos y Constitucionales (Madrid, Spain), supported the New Scholarship Showcase organized by the International Society of Public Law (ICON-S) Committee on New Directions in Scholarship. The Committee is co-chaired by Prof. Rehan Abeyratne. The New Scholarship Showcase organizes monthly virtual seminars to highlight new books in public law. A summary of these events follows.

CCTL joint Book Discussion on 'Rebel Courts: The Administration of Justice by Armed Insurgents' (Oxford University Press 2021) by René Provost (Online) 8 September 2022



Organizer: 

Supported by:   

Book Discussion

Rebel Courts: The Administration of Justice by Armed Insurgents


by **Prof. René Provost**
McGill University, Canada

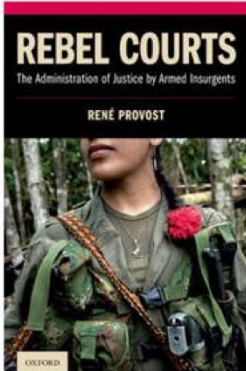
Discussants:
Prof. Anne van Aaken
Universität Hamburg, Germany

Prof. Giulio Napolitano
Università Roma Tre, Italy

Chair:
Prof. Rehan Abeyratne
CUHK LAW, Hong Kong

8 September 2022 (Thursday), 9:00pm (HKT)
Online via ZOOM





Speaker:

Prof. René Provost, McGill University, Canada

Discussants:

Prof. Anne van Aaken, Universität Hamburg, Germany

Prof. Giulio Napolitano, Università Roma Tre, Italy

Chair:

Prof. Rehan Abeyratne, CUHK LAW

CCTL joint Book Discussion on 'From Free to Fair Markets' (OUP 2022) by Richard Holden and Rosalind Dixon (Online) 3 March 2023



Organizer:  **CUHK LAW** THE CHINESE UNIVERSITY OF HONG KONG

Supported by:  **CUHK LAW** THE CHINESE UNIVERSITY OF HONG KONG

 Centre for Comparative and Transnational Law
Comparative Constitutional Law Research Forum



Book Discussion

From Free to Fair Markets
Liberalism after Covid-19

Speakers:

 **Prof. Richard Holden**
Business School, UNSW, Sydney

 **Prof. Rosalind Dixon**
Faculty of Law, UNSW, Sydney

Discussants:

Prof. Ran Hirschl, The University of Texas at Austin
Prof. Bojan Bugarić, The University of Sheffield
Prof. Perna Dhoop, National Law School of India University, Bengaluru

Chair: **Prof. Rehan Abeyratne**, CUHK LAW, Hong Kong

28 February 2022 (Tuesday), 9:30pm (HKT)
Online via ZOOM



FROM FREE TO FAIR MARKETS
LIBERALISM AFTER COVID-19
RICHARD HOLDEN
AND ROSALIND DIXON

Speakers:

Prof. Richard Holden, UNSW

Prof. Rosalind Dixon, UNSW

Discussants:

Prof. Ran Hirschl, The University of Texas at Austin

Prof. Bojan Bugarić, The University of Sheffield

Prof. Perna Dhoop, National Law School of India University, Bengaluru

Chair:

Prof. Rehan Abeyratne, CUHK LAW

CCTL Transnational Legal History Group Book Talk – ‘Imperial Incarceration: Detention without Trial in the Making of British Colonial Africa’ by Prof. Michael Lobban (Online) 24 October 2022

CUHK
LAW THE CHINESE UNIVERSITY OF HONG KONG
香港中文大學

Centre for Comparative and Transnational Law
Transnational Legal History Group

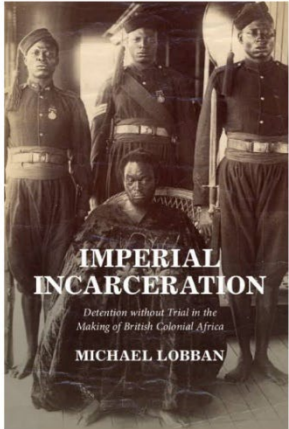
Book Talk

Imperial Incarceration:
Detention without Trial in the Making of British Colonial Africa

by
Prof. Michael Lobban
Senior Research Fellow
All Souls College, Oxford

24 October 2022 (Monday), 5:00pm - 6:30pm
online seminar

CPD event The Law Society of Hong Kong has awarded this seminar 1.5 Continuing Professional Development (CPD) points.



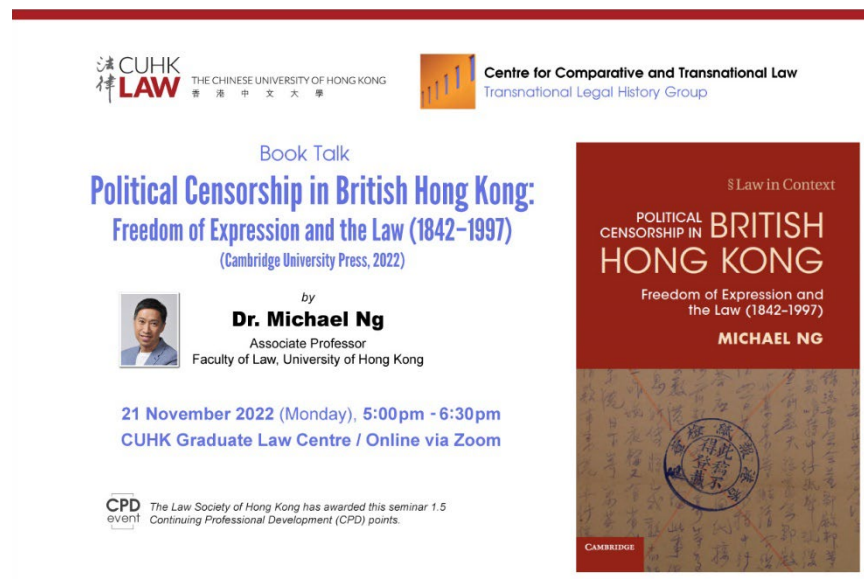
This seminar will discuss themes in Professor Lobban’s recent book, *Imperial Incarceration*. At a time when commentators at home argued that the notion of the rule of law stood at the heart of British constitutional culture, in her expanding African empire Britain routinely resorted to detention of political leaders without trial. In contrast to the approach taken in India where general legislation provided for detention without trial and martial law, in Africa leaders were detained either under specific laws to justify individual detentions (often ex post facto), or under martial law declared as a matter of executive power. In doing so, officials remained aware of the need to justify detentions under law – to avoid detainees being freed by the courts – and this generated much debate, both within administrative circles in London and between the metropolis and periphery, over the nature of the rule of law.

About the Speaker:

Michael Lobban is Senior Research Fellow at All Souls College, Oxford, having just moved from the Law School of the London School of Economics, where he was Professor of Legal History from 2013 to 2022. He is the author of a number of works on the history of law, including *The Common Law and English Jurisprudence, 1760-1820* (1991), *White Man’s Justice: South African Political Trials in the Black Consciousness Era* (1996), *A History of the Philosophy of Law in the Common Law World, 1600-1900* (2007) and the *Oxford History of the Laws of England* (2010,

with Cornish and others). He is also secretary of the Selden Society and is on the Board of Directors of the American Society for Legal History.

CCTL Transnational Legal History Group Book Talk – ‘Political Censorship in British Hong Kong: Freedom of Expression and the Law (1842–1997) (Cambridge University Press, 2022)’ by Dr. Michael Ng 21 November 2022



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香港中文大學

Centre for Comparative and Transnational Law
Transnational Legal History Group

Book Talk

**Political Censorship in British Hong Kong:
Freedom of Expression and the Law (1842–1997)**
(Cambridge University Press, 2022)

by
Dr. Michael Ng
Associate Professor
Faculty of Law, University of Hong Kong

21 November 2022 (Monday), 5:00pm - 6:30pm
CUHK Graduate Law Centre / Online via Zoom

CPD 1.5
The Law Society of Hong Kong has awarded this seminar 1.5
Continuing Professional Development (CPD) points.

Law in Context
POLITICAL CENSORSHIP IN BRITISH HONG KONG
Freedom of Expression and the Law (1842–1997)
MICHAEL NG

CAMBRIDGE


Drawing on archival materials, Michael Ng challenges the widely accepted narrative that freedom of expression in Hong Kong is a legacy of British rule of law. Demonstrating that the media and schools were pervasively censored for much of the colonial period and only liberated at a very late stage of British rule, this book complicates our understanding of how Hong Kong came to be a city that championed free speech by the late 1990s. With extensive use of primary sources, the free press, freedom of speech and judicial independence are all revealed to be products of Britain's China strategy. Ng shows that, from the nineteenth to the twentieth century, Hong Kong's legal history was deeply affected by China's relations with world powers. Demonstrating that Hong Kong's freedoms drifted along waves of change in global politics, this book offers a new perspective on the British legal regime in Hong Kong.

About the Speaker:

Dr. Michael Ng is a legal historian focusing on the legal history of modern China and Hong Kong. Dr. Ng authored *Political Censorship in British Hong Kong: Freedom of Expression and the Law (1842–1997)* (Cambridge University Press), *Legal Transplantation in Early 20th Century China:*

Practicing Law in Republican Beijing (1910s-1930s) (Routledge), and co-edited Chinese Legal Reform and the Global Legal Order: Adoption and Adaptation (Cambridge University Press) and Constitutional Foundings in Northeast Asia (Hart). His works have appeared in leading journals such as Law and History Review, Law and Literature, Business History, International Journal of Asian Studies, among others. He has been appointed as visiting fellow of the University of Cambridge, visiting scholar of the University of Melbourne and the National University of Singapore, and visiting Associate Professor of National Taiwan University.

CCTL Comparative Constitutional Law Research Forum Book Talk- 'Filtering Populist Claims to Fight Populism: The Italian Case in Comparative Perspective (Cambridge University Press 2021)' by Prof. Giuseppe Martinico (Online) 13 January 2023



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香港中文大學

Centre for Comparative and Transnational Law
Comparative Constitutional Law Research Forum

Book Talk
**Filtering Populist Claims to Fight Populism:
The Italian Case in Comparative Perspective**
(Cambridge University Press, 2021)

by
Prof. Giuseppe Martinico
Professor of Comparative Public Law
Scuola Superiore Sant'Anna, Pisa, Italy

Discussant:
Prof. Antonia Baraggia
Associate Professor of Comparative Constitutional Law
University of Milan Law School

13 January 2023 (Friday), 5:00pm - 6:30pm
Online via Zoom

QR Code

Comparative Constitutional Law and Policy
**FILTERING POPULIST
CLAIMS TO FIGHT
POPULISM**
The Italian Case in a
Comparative Perspective
Giuseppe Martinico
CAMBRIDGE

The new wave of populism that has emerged over the last five years in Europe and in the US urgently needs to be better understood in a comparative and historical context. Using Italy – including the experiment of a self-styled populist coalition government – as a case study, this book investigates how populists in power borrow, use and manipulate categories of constitutional theory and instruments of constitutional law. Giuseppe Martinico goes beyond treating constitutionalism and populism as purely antithetical to dive deeply into the impact of populism on the activity of some instruments of constitutional democracy, endeavoring to explore their role as possible fora of populist claims and targets of populist attacks. Most importantly, he points to ways in which constitutional democracies can channel populist claims without jeopardizing the legacy of post-World War II constitutionalism. This book is aimed at academics and practicing lawyers interested in populism and comparative constitutional law.

About the Speaker:

Giuseppe Martinico is Full Professor of Comparative Public law at the Scuola Superiore Sant'Anna, Pisa. Previously he worked as a Lecturer in Constitutional law and as an Associate Professor of Comparative Law in the same institution.

Prior to joining the Scuola Sant'Anna, he was García Pelayo Fellow at the Centro de Estudios Políticos y Constitucionales (CEPC), Madrid and Max Weber Fellow at the European University Institute, Florence. Giuseppe got a PhD in Law from the Scuola Superiore Sant'Anna (Sant'Anna School of Advanced Studies), Pisa, Italy, where he also conducted two years of post-doctoral research. In Pisa he also serves as STALS Editor.

He has also held the position of visiting researcher at the University of Barcelona, Université de Montréal, University of Geneva, King's College, London, and the Tilburg Institute of Comparative and Transnational Law (TICOM).

CCTL Book Launch – 'Buddhism and Comparative Constitutional Law (Cambridge University Press 2022)' 19 June 2023



法 CUHK LAW THE CHINESE UNIVERSITY OF HONG KONG 香港中文大學
 Centre for Comparative and Transnational Law
 Comparative Constitutional Law Research Forum & Transnational Legal History Group

Book Launch

Buddhism and Comparative Constitutional Law
(Cambridge University Press 2022)

Editors:

 **Prof. Tom Ginsburg**
University of Chicago
  **Prof. Benjamin Schonthal**
University of Otago, New Zealand

Discussants: **Prof. Ngoc Son Bui**, University of Oxford
Prof. Douglas Gildow, CUHK

Chair: **Prof. Rehan Abeyratne**, CUHK LAW

19 June 2023 (Monday), 5:00pm - 6:30pm
 CUHK Graduate Law Centre / Online via ZOOM

QR code for online access

Comparative Constitutional Law and Policy
BUDDHISM AND COMPARATIVE CONSTITUTIONAL LAW
 EDITED BY
 Tom Ginsburg and Benjamin Schonthal

CAMBRIDGE

Buddhism and Comparative Constitutional Law offers the first comprehensive account of the entanglements of Buddhism and constitutional law in Sri Lanka, Myanmar, Thailand, Cambodia, Vietnam, Tibet, Bhutan, China, Mongolia, Korea, and Japan. Bringing together an

interdisciplinary team of experts, the volume offers a complex portrait of “the Buddhist-constitutional complex,” demonstrating the intricate and powerful ways in which Buddhist and constitutional ideas merged, interacted and co-evolved. The authors also highlight the important ways in which Buddhist actors have (re)conceived Western liberal ideals such as constitutionalism, rule of law, and secularism. Available Open Access on Cambridge Core, this trans-disciplinary volume is written to be accessible to a non-specialist audience.

About the Speakers:

Editors:

Prof. Tom Ginsburg, University of Chicago

Prof. Benjamin Schonthal, University of Otago, New Zealand

Discussants:


Prof. Ngoc Son Bui, University of Oxford

Prof. Douglas Gildow, CUHK


Chair:

Prof. Rehan Abeyratne, CUHK LAW

CCTL Book Talk- ‘Citizenship and Residence Sales: Rethinking the Boundaries of Belonging’ by Prof. Dimitry Kochenov 23 June 2023



THE CHINESE UNIVERSITY OF HONG KONG
香港中文大學



Centre for Comparative and Transnational Law


Book Talk


Citizenship and Residence Sales: Rethinking the Boundaries of Belonging

(Cambridge University Press, 2023)

by
Prof. Dimitry Kochenov
Professor,
Department of Legal Studies, Central European University;
Senior Research Fellow,
Central European University Democracy Institute, Budapest

23 June 2023 (Friday), 12:30pm - 2:00pm
The CUHK Graduate Law Centre
2/F Bank of America Tower, Central





Countries are competing ever more fervently to attract the best and brightest, whether highly skilled migrant workers, students with potential, or athletes and others boasting exceptional talent. It should therefore come as little surprise that they should vie with each other to lure in the wealthy as well. Indeed, the past thirty years have seen a rapid rise around the world in legislation that enables people to acquire citizenship or residence rights in exchange for a donation or an investment. This work is the draft introductory chapter of the collection entitled *Citizenship and Residence Sales: Rethinking the Boundaries of Belonging*, which the authors edited for Cambridge University Press. The aim of this text is to introduce the phenomenon of investment migration and position it vis-à-vis the key trends in the literature on this emerging field in order to provide solid ground for the twenty chapters by the leading scholars and practitioners from a handful of disciplines, which follow this introduction in the Cambridge collection. In the process the authors demonstrate that investment migration frequently has nothing to do with immigration or change of residence; that the phenomenon is rooted in the global rights and duties assignment today, where blood-based passport apartheid is the main principle behind the inequitable self-preservation of the global aristocracy of ‘super citizens’, as well as the nature of the notion of national sovereignty coupled with the nationalist streetlight effect of the huge share of the commentaries, inter alia. As is demonstrated in this chapter and throughout the book, investment migration teaches the authors a lot about the tensions at the core of citizenship and residence regulation in contemporary world. The volume the authors edited aims to establish a solid grounding for a serious conversation on the sale of citizenships and residence and its implications in the contemporary world.

About the Speaker:

Professor Dimitry Kochenov (LEGS '02) leads the Rule of Law Workgroup at CEU Democracy Institute and teaches at the Department of Legal Studies. This year he has been awarded a EUR 1M grant from Stiftung Mercator to establish Clinical Rule of Law work in Budapest, which is his main on-going project. Prof. Kochenov's research focuses on the principles of law in the global context, with a special emphasis on the Rule of Law, citizenship, and the enforcement of EU values. Outside of CEU Dimitry is Associate of the EU Programme at Princeton University in New Jersey and Visiting Professor at LUISS Guido Carli in Rome (Faculty of Law).

Seminars

*CCTL Corporate Law and Governance Cluster seminar – ‘Gender Diversity of the Board of Directors of Listed Companies in China – Regulatory Designs’ by Prof. Ruoying Chen (Online)
29 August 2022*



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香港中文大學

Centre for Comparative and Transnational Law
Corporate Law and Governance Cluster

**Gender Diversity of the Board of Directors of
Listed Companies in China - Regulatory Designs**

by
Prof. Ruoying Chen
Associate Professor
Peking University Law School

Discussant: **Prof. Jing Song**, Associate Professor in Gender Studies Programme, The Chinese University of Hong Kong

29 August 2022 (Monday), 12:45pm - 2:00pm
online seminar

CPD
event The Law Society of Hong Kong has awarded this seminar 1 Continuing Professional Development (CPD) point.

To legally mandate a minimal ratio of female members of board of directors may bring about apparent benefits to listed companies as well as their current and potential employees. But most listed companies have a controlling shareholder which may compromise the effort to promote gender diversity in board. The relative shortage in the supply of qualified female candidates may also hinder the actual implementation of such a legal mandate. A few institutional designs informed by law and economics and practice in overseas market are therefore suggested in the talk to pave the way for issuing and implementation of such a legal mandate.

About the Speaker:

Ruoying Chen is Associate Professor at Peking University Law School.

She was Program Affiliate Scholar at the Classical Liberal Institute at NYU Law School, Dean's Research Fellow at UNSW Business School, and the John. M. Olin Fellow in Law & Economics at the University of Chicago Law School. She's a visiting professor at University of Chicago Law School, KU Leuven Faculty of Law, the Buchmann Faculty of Law of Tel Aviv University and

Koç University Law School. She delivered the 2019 Dieter Heremans Lectures in Law and Economics in KU Leuven as the Global Professor at KU Leuven Faculty of Law.

Previously, she worked for international law firm Freshfields Bruckhaus Deringer in its Beijing and Hong Kong offices for over 5 years on M&As, capital market work, restructuring of China's enterprises and the disposal of non-performing loans by Chinese banks.

She holds a J.S.D. degree from the University of Chicago, M.Juris degree from the University of Oxford and a Bachelor in Law from Peking University.

Discussant:

Jing Song is Associate Professor in Gender Studies Programme at The Chinese University of Hong Kong and Associate Researcher (by courtesy) at Shenzhen Research Institute, The Chinese University of Hong Kong. Prof. Song studies gender and family issues with a focus on work and property in urbanization and migration, especially women's entrepreneurship, family life, and social status as shaped by state and market. She has published in *China Quarterly*, *Urban Studies*, *Journal of Contemporary China*, *Journal of Rural Studies*, *Work Employment and Society*, *China Review*, *Eurasian Geography and Economics*, *Population Space and Place*, *Journal of Comparative Family Studies*, *Housing Studies*, etc. Her book *Gender and Employment in Rural China* was published by Routledge in 2017.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘The Singapore International Commercial Court (SICC) as a Forum for the Resolution of Cross-Border Insolvency Disputes’ by Justice Anselmo Reyes (Online) 11 October 2022



The seminar will touch on questions such as the following:

1. What challenges does a jurisdiction face in establishing itself as a forum for the resolution of cross-border insolvency disputes in the Asia Pacific? The Asia Pacific is a patchwork of common law and civil law jurisdictions. Some have more highly developed insolvency regimes, others less so. There are also significant linguistic, economic, social, cultural, and political differences among countries in the Asia Pacific. These characteristics make it difficult to establish a cross-border insolvency hub in the Asia Pacific. For example, insofar as it is increasingly recognised that mediation can play an important role in cross-border insolvency disputes, there are serious obstacles to the use of mediation for the same in the Asia Pacific. Some have suggested that the Singapore Convention may be of assistance in this respect, but that remains to be seen.
2. How has the SICC sought to meet those challenges? In particular, in what way will the SICC's new rules enable it to deal with cross-border insolvency related applications from the Asia Pacific more efficiently and effectively?
3. What are Hong Kong's prospects as a forum for resolving cross-border insolvency disputes in the Asia-Pacific? For instance, unlike Singapore, Hong Kong is not a full member of the Judicial Insolvency Network (JIN), but only a supporting jurisdiction. Nor has Hong Kong adopted the UNCITRAL Model Law on Cross-Border Insolvency. Hong Kong has instead

largely developed its cross-border insolvency regime through case law. Are these obstacles to Hong Kong becoming a cross-border insolvency hub in the Asia Pacific? Does it matter whether or not Hong Kong develops into such a hub?

About the Speaker:

Anselmo Reyes practises as an arbitrator. He was Professor of Legal Practice at Hong Kong University from October 2012 to September 2018. Before that, he was a judge of the Hong Kong High Court from September 2003 to September 2012, when he was in charge of the Construction and Arbitration List (2004-8) and the Commercial and Admiralty Lists (2008-12). He was Representative of the Hague Conference on Private International Law's Regional Office Asia Pacific from April 2013 to July 2017. He became an International Judge of the Singapore International Commercial Court in January 2015.

CCTL Corporate Law and Governance Cluster Seminar – 'Firm News and Market Views: The Informational Role of Official Newspapers in China' by Prof. Tianyu Zhang (Online) 18 October 2022



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Centre for Comparative and Transnational Law
Corporate Law and Governance Cluster

**Firm News and Market Views:
The Informational Role of Official Newspapers in China**

by
Prof. Tianyu Zhang
Presidential Chair Professor of Accounting and Director of Center
for Institutions and Capital Market, Shenzhen Finance Institute,
The Chinese University of Hong Kong, Shenzhen

18 October 2022 (Tuesday), 12:30pm - 2:00pm
online seminar



State control can turn the media into the government's mouthpiece and weaken the media's incentives to meet market demands for corporate news. We study China's official party newspapers and commercially oriented, non-official newspapers and find that despite official party newspapers' heavier state control, they continue to play an informational role by providing a different type of news than non-official newspapers. We show that compared to non-official

newspapers, official newspapers provide a greater proportion of value-relevant industry and market-wide information relative to firm-specific information.

About the Speaker:

Prof. Tianyu Zhang is a presidential chair professor in Shenzhen Finance Institute and The Chinese University of Hong Kong, Shenzhen. His research focuses on political institutions and governance in China emerging market. His recent research is featured with application of textual analysis in understanding China institutions. He has papers published in top accounting, finance and economics journals. His research has been featured by overseas media, such as Wall Street Journal and Associated Press, and domestic media, such as Caixin. He is now sitting on the editorial board of The Accounting Review and Contemporary Accounting Research. He worked for City University of Hong Kong and The Chinese University of Hong Kong before joining The Chinese University of Hong Kong, Shenzhen.

CCTL Comparative Constitutional Law Research Forum Seminar – ‘Deciding what to Decide: Leave Applications to the Hong Kong Court of Final Appeal’ by Dr. Evan Rosevear (Online) 21 October 2022



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Centre for Comparative and Transnational Law
Comparative Constitutional Law Research Forum

**Deciding what to Decide:
Leave Applications to the Hong Kong Court of Final Appeal**

by
Dr. Evan Rosevear
JD PhD, Global Academic Fellow (Postdoctoral)
Faculty of Law, The University of Hong Kong

21 October 2022 (Friday), 12:30pm - 1:30pm
online seminar



This paper contributes to an emerging body of empirical research on the Hong Kong Court of Final Appeal through the examination of the decisions of that Court's Appeal Committee during its first 25 years. After offering the first systematic description of the Appeal Committee's activities during that time, it discusses three key findings emerging from the data. First, the data suggests that, in

line with Galanter's theory of the relative advantages of repeat over one-off litigants, actors with greater institutional resources and iterated engagement with the legal system are more likely to be granted leave to appeal. Second, there is a clear positive correlation between the number of applicant counsel relative to the number of respondent counsel and a higher likelihood of being granted leave. This has implications for the equity and fairness of the appellate process, particularly with respect to criminal appeals. Third, when Justice Bokhary sat on the Appeal Committee as a Permanent Judge of the Court there was significantly higher likelihood of leave being granted than when he was not sitting while the opposite was true when a Chief Justice—particularly Chief Justice Li—sat. Finally, the concomitant rise of institutionally authored decisions on the Appeal Committee and the Full Court is discussed alongside directions for future research.

About the Speaker:

Dr. Evan Rosevear's research lies at the intersection of comparative law and comparative politics with a focus on national constitutions and domestic legal systems. It is guided by a desire to understand how courts, rights, and constitutions operate, how they interact with other state and non-state actors, and whether and when they are capable of fostering social and political change. Methodologically, it takes the form of theoretically-informed, empirically-driven comparative analysis that involves single case and small-n research supplemented by large-n statistical analysis.

Dr. Rosevear's current projects include a comparative examination of the interaction of legal reasoning and politics in the adjudication of constitutionalized social rights and the use executive discretion in instances of executive aggrandizement. He is also interested in developing the empirical and comparative study of non-US judges and courts.

Dr. Rosevear holds a PhD in political science and a JD from the University of Toronto. He is also a Research Associate with the Toronto Initiative for Economic and Social Rights (TIESR) and have previously spent time at the Center for Justice and Society at FGV Direito-Rio and the South African Institute for Advanced Constitutional, Public and International Law (SAIFAC) at the University of Johannesburg.

CCTL Obligations Lab Asia Seminar – ‘Consenting in Advance to Novation: Risks, Benefits and Pitfalls’ by Prof. Lau Kwan Ho (Online) 28 October 2022



Professor Roy Goode once observed that “Novation need not be left to ad hoc agreement; it is open to the parties to provide for it in advance and in particular to establish a contractual mechanism by which novation takes place automatically on the occurrence of a designated act or event”. This deceptively straightforward proposition is examined in the present seminar. We will explore the risks in adopting a pristine version of the proposition in the law of novation – “advance consent” clauses are now frequently found in banking, shareholder and other corporate documentation – and also consider possible legal and equitable safeguards that may be incorporated within the process of scrutiny, if in any case there arises concern over the effectiveness of a novation that is undertaken pursuant to consent given in advance.

About the Speaker:

Lau Kwan Ho is an Assistant Professor of Law at the Singapore Management University, and presently also the Deputy Director of the Centre for Commercial Law in Asia. His teaching and research interests are in contract law and private law. His work, published in journals including the Cambridge Law Journal, the Law Quarterly Review and the Modern Law Review, is cited by courts in Hong Kong and Singapore, in extra-judicial speeches by English and Singapore judges, by regulatory bodies, and in academic treatises and articles regularly. He has given expert evidence in US court proceedings. Kwan Ho previously practised in the M&A department of Allen & Gledhill LLP and was a Justices’ Law Clerk with the Supreme Court of Singapore.

CCTL Corporate Law and Governance Cluster Seminar – ‘The Modern State and the Rise of the Business Corporation’ by Prof. Taisu Zhang (Online) 3 November 2022



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Centre for Comparative and Transnational Law
Corporate Law and Governance Cluster

**The Modern State and
the Rise of the Business Corporation**

by
Prof. Taisu Zhang
Professor of Law and History
Yale University

3 November 2022 (Thursday), 9:30am - 10:45am
online seminar

CPD
event
The Law Society of Hong Kong has awarded this seminar 1 Continuing Professional Development (CPD) point.

Prof. Zhang’s research argues that the rise of the modern state was a necessary condition for the rise of the business corporation. A typical business corporation pools together a large number of strangers to share ownership of residual claims in a single enterprise with guarantees of asset partitioning. They show that this arrangement requires the support of a powerful state with the geographical reach, coercive force, administrative power, and legal capacity necessary to enforce the law uniformly among the corporation’s various owners. Other historical forms of rule enforcement—customary law or commercial networks like the Law Merchant—are theoretically able to support many forms of property rights and contractual relations, but not the business corporation. Strangers cannot cooperate on the scale and legal complexity of a typical corporation without a functionally modern state and legal apparatus to enforce the terms of their bargain. In contrast, social acquaintances operating within a closely-knit community could, in theory, enforce corporate charters without state assistance, but will generally not want to do so due to the institutional costs of asset partitioning in such communities.

They show that this hypothesis is consistent with the experiences of six historical societies: late Imperial China, the 19th century Ottoman Empire, the early United States, early modern England, the late medieval Italian city states, and ancient Rome. They focus especially on the experience of late Imperial China, which adopted a modern corporation statute in response to societal demand, but failed to see much growth in the use of the corporate form until the state developed the capacity and institutions necessary to uniformly enforce the new law. Their thesis complicates existing

historical accounts of the rise of the corporation, which tend to emphasize the importance of economic factors over political and legal factors and view the state as a source of expropriation and threat rather than support. Their thesis has extensive implications for the way we understand corporations, private law, states, and the nature of modernity.

About the Speaker:

Taisu Zhang is a Professor of Law and History at Yale University and works on comparative legal and economic history, private law theory, and contemporary Chinese law and politics. He is the author of two books, *The Ideological Foundations of Qing Taxation: Belief Systems, Politics, and Institutions* (Cambridge University Press, Fall 2022), and *The Laws and Economics of Confucianism: Kinship and Property in Pre-Industrial China and England* (Cambridge University Press, 2017). These are the first two entries in a planned trilogy of books on the institutional and cultural origins of early modern economic divergence. The final entry, tentatively titled *The Cultural and Legal Origins of Economic Divergence: China and the World, 1700 to 1984*, is currently in progress. In addition, Zhang has published articles, essays, and book chapters on a wide array of topics, and is a regular commentator on Chinese law, society, and politics in media outlets.

CCTL Comparative Constitutional Law Research Forum Seminar – ‘The History of LGBT Law and Rights in Hong Kong’ by Mr. Azan Marwah (Online) 7 November 2022



The poster features the CUHK LAW logo and the Centre for Comparative and Transnational Law logo at the top. The main title is "The History of LGBT Law and Rights in Hong Kong" in large white letters over a background image of the Hong Kong skyline. Below the title, it says "by Mr. Azan Marwah" with a small portrait of him, followed by "Barrister-at-Law Resolution Chambers". The date and time are "7 November 2022 (Monday), 12:30pm - 1:30pm" and "online seminar". At the bottom, it mentions "CPD event" and "The Law Society of Hong Kong has awarded this seminar 1 Continuing Professional Development (CPD) point."

The development of LGBT rights and law in Hong Kong falls into five broad periods: Pre-Colonial (pre-1841), Colonial (1841-1980), Decriminalization (1981-1991), Post-decriminalization (1992-2003), and Human Rights Litigation (2004 onwards).

These periods of change reflect overarching legal, political, and social trends in Hong Kong. It is, perhaps, no surprise that those changes have now reached a crescendo of radical change now, with both public and private efforts by LGBT communities to express and defend their identities and rights through both social and legal challenges. During this talk, he will discuss how far the law has developed, as well as the social, political, and legal causes of these changes, and how sexual and gender minorities have responded.

About the Speaker:

Azan Marwah, Barrister, is an experienced commercial, family, matrimonial and public law advocate and mediator. He was called to the Bar in 2012, and appears in all Hong Kong courts including the Court of Appeal and Court of Final Appeal. He also regularly appears in front of statutory tribunals and boards.

Azan Marwah is an experienced advocate and mediator in family and child related disputes. He is the co-author and editor of several leading publications including Hong Kong Family Court Practice, Atkins Court Forms (Family) and the Hong Kong Family Court Tables.

Azan has advised and appeared at all levels on matters including ancillary relief, domestic violence, child abduction, surrogacy, adoption, child custody, wardship and child protection proceedings. He also specialises in matters involving cross-border and public law elements.

Azan Marwah is an experienced public law advocate, taking instructions from both Government and private clients. He is particularly known for his work in equality law, working on questions of religious, LGBTQ+, gender and disability discrimination.

Azan also advises and appears in a broad range of civil and commercial matters. He is a contributor to the leading texts on contract law and civil procedure. He has acted as counsel for parties in matters relating to international sale of goods, civil fraud, asset tracing and recovery, employment, property and company related disputes.

Azan Marwah frequently acts as sole mediator, joint mediator and advocate in mediation. He is experienced in a broad range of matters including commercial, employment, family and matrimonial, landlord and tenant, personal injuries and tort, domestic violence, discrimination and harassment. He has practiced as a mediator in both Hong Kong and the United States, having previously been appointed as a court mediator for the Los Angeles Courts and accredited as a mediator by CEDR.

CCTL Environmental, Energy and Climate Law Cluster Seminar – ‘Transboundary Water Cooperation in the African Context – Key to Advance Development’ by Dr. Anders Jägerskog (Online) 10 November 2022



With 90 percent of the water in Africa falling within 63 river basin catchments crossed by multiple borders, water resources management and development must be a cooperative endeavor. The Cooperation on International Waters in Africa (CIWA) Trust Fund works to strengthen institutions, improve knowledge, develop investment opportunities, and train governments to cooperate across shared waters. The presentation will draw upon CIWA engagement and experiences in addressing transboundary water management and also include global examples. In order to address the current climate and development challenges action on transboundary water is imperative. Without concrete climate action and climate-sensitive development, as many as 86 million people in Sub-Saharan Africa could be forced to relocate by 2050 from water scarcity, sea level rise and storm surges, and declines in crop and ecosystem productivity. Tapping into Africa's water resources can significantly strengthen the region's water security, improve livelihoods, and spur economic growth. Improved water resources management can increase food security, reduce vulnerability to climate change, improve human health and sanitation, and increase energy generation and industrial expansion.

About the Speaker:

Anders Jägerskog Ph.D is Program Manager of the Cooperation on International Waters in Africa (CIWA) Trust Fund (ciwaprogram.org). He is also the focal point at the World Bank for Transboundary Waters. His work focuses primarily on the African continent and on the Middle

East and North Africa region but is also global. Previously he was Counsellor for regional water resources in the MENA region at the Swedish Embassy in Amman, Jordan; Director, Knowledge Services, at the Stockholm International Water Institute (SIWI) where he headed the Transboundary Water Management Unit and was work area leader for applied research. He managed the UNDP Shared Waters Partnership which facilitates and promotes dialogue and cooperation on transboundary water resources. He is Associate Professor (Docent) at Peace and Development Research, School of Global Studies, University of Gothenburg where his work focuses on global water issues. He worked for Swedish Ministry for Foreign Affairs; at the Embassy of Sweden, Nairobi and at Stockholm International Peace Research Institute (SIPRI). In 2003 he finished his PhD on the water negotiations in the Jordan River Basin at the Department of Water and Environmental Studies at the Linköping University, Sweden. He has published over 100 scientific articles, book chapters, debate articles and reports on global water issues.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill – Key Provisions and Impact’ by Ms. Jenny Fung (Online) 25 November 2022



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Centre for Comparative and Transnational Law
Private International Law Group

CROSS-BORDER LEGAL ISSUES
DIALOGUE Seminar Series

**Mainland Judgments in Civil and Commercial
Matters (Reciprocal Enforcement) Bill –
Key Provisions and Impact**

by
Ms. Jenny Fung
Deputy Solicitor General (Policy Affairs)
Department of Justice

CPD
event
The Law Society of Hong Kong has awarded this seminar 1.5 Continuing Professional Development (CPD) points.

25 November 2022 (Friday), 12:30pm - 2:00pm
online seminar

On 18 January 2019, the Supreme People's Court and the HKSAR Government signed the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region. The Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill which seeks to implement the Arrangement, was introduced to the Legislative Council in May 2022. The Bill provides for two mechanisms: first, a mechanism for registration in HKSAR of judgments given by the courts of the Mainland in civil and commercial matters; and second, a mechanism for the

application for certified copies of and certificates for Hong Kong judgments in civil or commercial matters to facilitate parties in seeking recognition and enforcement of such judgments in the Mainland. In this seminar, the Department of Justice will give an overview of the scope and the main provisions of the Bill and explain how the Bill will shape the landscape of mutual legal assistance between the two places.

About the Speaker:

Ms. Jenny Fung, Deputy Solicitor General (Policy Affairs) of the Department of Justice, has been involved in the legislative process of the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill. She has briefed members of the Panel on Administration of Justice and Legal Services and attended before the Bills Committee of the Legislative Council to explain the Bill. She also attended various meetings with relevant stakeholders to exchange views on the Bill. She has substantial experience in cross border mutual legal assistance matters. Before that, she has been involved in the Record of Meeting of the Supreme People's Court and the Government of the HKSAR on Mutual Recognition of and Assistance to Bankruptcy (Insolvency) Proceedings between the Courts of the Mainland and the HKSAR signed in May 2021 and in the legislative process of the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance which came into effect in February 2022.

CCTL Corporate Law and Governance Cluster Seminar – 'Dual-Class Share Structures (DCSS) in the UK and China' by Dr. Min Yan (Online) 12 January 2023



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Centre for Comparative and Transnational Law
Corporate Law and Governance Cluster

**Dual-Class Share Structures (DCSS)
in the UK and China**

by
Dr. Min Yan
Associate Professor in Business Law
Director of BSc Business with Law Programme
Queen Mary University of London

12 January 2023 (Thursday), 5:00pm - 6:30pm
online seminar



Unequal voting rights arrangements under dual class share structures are increasingly favoured by entrepreneurs and founders of technology companies, in order to retain a degree of control over the company that is disproportionate to their equity shareholdings. The rise of such share structures around the world has put competitive pressure on both UK and Chinese governments to relax the one share, one vote principle in their stock exchanges to ensure their equities market remains fit for the future development of the economy.

There is, however, a long tradition of institutional investors' distaste for dual class share structures. For example, the near extinction of dual class listings in the UK capital markets can be largely attributed to the opposition of large British institutions. In this seminar, Dr. Min Yan would first address the conflict between the demands to attract listings from high-tech and innovative companies and concerns of a race to the bottom, and rebut criticisms based on investor protection in the UK context and argue permitting dual class companies to list in the Premium Segment, the higher level of regulatory protection provided in the premium listing regime would help enhance minority shareholder protection and shareholder engagement. The debate in the Chinese context would also be discussed.

When permitting dual class listing, both the UK and China adopt additional safeguarding measures to restrain the potential abuse of controllers' weighted voting power. Hence, the second main aim of this seminar is to analyze these measures in detail and examine their intended and unintended impact. Dr. Yan would argue mandatory safeguarding measures are a double-edged sword, which not only help mitigate increased governance risks but also undermine the insulation of controllers from external investor and market influence. In other words, too many safeguarding measures would undoubtedly affect the intrinsic value of dual class shares. Thus, what policymakers and regulators should really focus on is how to use this double-edged sword to strike a balance between maintaining a flexible capital structure and controlling the associated governance risks, or perhaps to explore more of the ex post mechanisms, to reduce the reliance on mandatory safeguarding measures as ex ante constraints.

About the Speaker:

Dr. Min Yan is an Associate Professor in Business Law and Director of BSc Business with Law Programme at Queen Mary University of London, and a dual qualified English and Chinese solicitor. His research engages with the intersection between business and law and specialises in corporate law, corporate governance, and corporate responsibility. Dr. Yan has published in leading refereed journals such as Legal Studies, Journal of Corporate Law Studies, Asia Pacific Law Review, Hong Kong Law Journal and well-known U.S. law reviews such as Northwestern Journal of International Law & Business, Delaware Journal of Corporate Law, Hastings Business

Law Journal and Columbia Journal of Asian Law. His research has also been featured on the Oxford Business Law Blog, Business Times (Singapore) and Columbia University's Blog on Corporations and the Capital Markets etc.

CCTL Transnational Legal History Group Seminar – ‘What Makes a Global Classic of International Law?’ by Prof. Dr. Ignacio de la Rasilla (Online) 31 January 2023



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Centre for Comparative and Transnational Law
Transnational Legal History Group

What Makes a Global Classic of International Law?

by
Prof. Dr. Ignacio de la Rasilla
Han Depei Chair in International Law & One Thousand Talents Plan Professor,
Wuhan University Institute of International Law,
Chief Expert, Wuhan Academy of International Law and Global Governance (National Top Think Tank),
Editor-in-Chief, Chinese Journal of Transnational Law

31 January 2023 (Tuesday), 5:30pm - 6:30pm
online seminar



Based on an article recently published in the Asian Journal of International Law in 2022 “Looking Forward Through and Beyond the Western Classics of International Law“, this seminar will provide a gateway to Francisco de Vitoria and Hugo Grotius’s significance for international law and its history by providing and commenting critically on a tenfold list of attributes of what makes a classic of international law. The proposed ten distinguishing features of the “global” classics of international law are that: 1) they have been used as lenses to address a larger historical theme; 2) their prominent position in the intellectual canon and as landmark in the historical periodization of international law; 3) their broad interdisciplinary appeal; 4) the fact that they have become a shortcut for intellectual traditions of thinking about the international; 5) that they have become identified as the first expounders of international legal ideas and doctrines; and also 6) that they have been turned into an intellectual symbol of cultural patriotism over time. Moreover, the distinguishing traits of a classic of international law also include: 7) the multiple interpretations and reinterpretations to which their oeuvre have been subjected; 8) their hegemonically induced universal appeal; 9) the more recent diachronic use to which their works have been put to contextually investigate episodes of the history of international law from the nineteenth century

up to the present; and last, but not least, 10) the semi-industrial quantity of academic commentary they have attracted over time.

About the Speaker:

Prof. Dr. Ignacio de la Rasilla is Han Depei Chair in International Law & One Thousand Talents Plan Professor, Wuhan University Institute of International Law; Chief Expert Wuhan Academy of International Law and Global Governance (National Top Think Tank); Editor-in-Chief, Chinese Journal of Transnational Law.

CCTL Environmental, Energy and Climate Law Cluster Seminar – ‘Enforcing the Rights of River Persons: The Challenges of Giving Force and Effect to Legal Personhood’ by Dr. Erin O’Donnell (Online) 6 February 2023



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Centre for Comparative and Transnational Law
 Environmental, Energy and Climate Law Cluster

**Enforcing the Rights of River Persons:
 The Challenges of Giving Force and Effect to Legal Personhood**

by
Dr. Erin O’Donnell
 Senior Research Fellow and Senior Lecturer
 University of Melbourne Law School

6 February 2023 (Monday), 12:30pm - 1:30pm
 online seminar

Once considered a ‘fringe’ environmental idea, the rights of nature is now fast becoming mainstream, as countries including Ecuador, Bolivia, Colombia, Panama, Mexico, the USA, Canada, Spain, Uganda, India, Bangladesh, Aotearoa New Zealand and Australia recognise nature as a legal subject or living entity in law. In some jurisdictions, these rights apply to nature as a whole, but there is a growing movement centred on the rights of rivers as unique and identifiable natural entities. However, as the legal status of rivers changes, the question now becomes: what happens next? Although most litigation on the rights of nature has focused on whether the rights exist, there is growing case law on what the rights include and how they can be enforced, especially in jurisdictions such as Ecuador, where nature has had rights since 2008. In the case of rivers, this

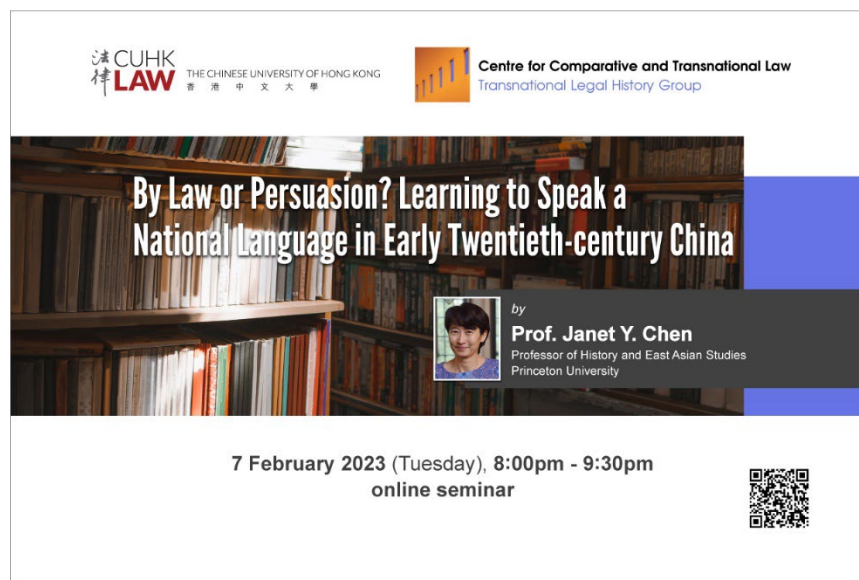


is further complicated by the intersection (or lack thereof) between the new legal rights and the existing water laws. Although many rivers are now recognised as legal persons and/or living entities, none of them has any legal rights to the water flowing between their banks, nor do any (as yet) play substantive roles in water management. The novelty of the ‘river persons’ has left courts unclear on how the substantive nature of these rights can be enforced, and the legislature has been content to create such rights in enduring and explicit isolation from water laws. For the ‘rights of rivers’ movement to achieve its transformative potential, attention must now be given to the challenge of ensuring these new rights can have force and effect.

About the Speaker:

Dr. Erin O'Donnell is a Senior Research Fellow and Senior Lecturer at the University of Melbourne Law School. Erin is a water law and policy expert, and she is recognized internationally for her research into the ground-breaking new field of legal rights for rivers. Her work explores the challenges and opportunities these new rights create for protecting the multiple social, cultural and natural values of rivers. Her work is informed by comparative analysis across Australia, Aotearoa New Zealand, the USA, Bangladesh, India, Colombia, and Chile. She has also worked for the World Bank, examining water markets and their role in water security and sustainable development. Since 2018, Erin has been a member of the Birrarung Council, the voice of the Yarra River in Melbourne. Erin works in partnership with Traditional Owners across Australia on a range of projects and in 2023, Erin will commence an ARC-funded research fellowship to explore the opportunity of treaty to address aqua nullius, increase Traditional Owner power and resources in water, and create more sustainable and legitimate settler state water laws.

CCTL Transnational Legal History Group Seminar – ‘By Law or Persuasion? Learning to Speak a National Language in Early Twentieth-century China’ by Prof. Janet Y. Chen (Online) 7 February 2023



This seminar draws from Professor Chen’s forthcoming book, *The Sounds of Mandarin*, which investigates the social history of China’s spoken standard language. The book covers a long time span, from the creation of a national language (國語) in the early Republic, its fate under Nationalist rule and during the Sino-Japanese War, a cross-straits journey to postwar Taiwan in 1945, and its reconfiguration as the common language (普通話) of the People’s Republic after 1949. The presentation will explore the relationship between law and language in the early twentieth century, when reformers and officials sought to compel linguistic change through diverse methods, including invoking the force of law in different permutations.

About the Speaker:

Janet Y. Chen is Professor of History and East Asian Studies at Princeton University. She received her Ph.D. from Yale University and her B.A. from Williams College.

*CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘The Approach to Dismissing Insolvency Proceedings in Favour of the Parties’ Agreed Forum’ by Mr. Ernest Leung (Online)
17 February 2023*



The Hong Kong Court of Appeal handed down judgment in *Guy Kwok-Hung Lam v Tor Asia Credit Master Fund LP* [2022] HKCA 1297 on the question of whether a bankruptcy petition should be dismissed on the basis of an exclusive jurisdiction clause in favour of a foreign court. The Court of Appeal held that since the petition fell within the scope of the clause, the petition ought to be dismissed. The same analysis would by analogy apply to winding-up petitions. While a decision at the Court of Appeal level is helpful in bringing certainty to understanding the interaction between an exclusive jurisdiction clause and insolvency proceedings, the question of whether the same approach should apply to arbitration clauses was deliberately left open and remains unsettled.

The story begins with an English Court of Appeal decision – *Salford* – where the court held that insolvency proceedings should generally be stayed save “wholly exceptional circumstances” in favour of the parties settling the dispute in an arbitration clause. The approach eventually found its way into Hong Kong through a First Instance decision but the Hong Kong courts have since doubted the correctness of the *Salford* approach. The *Salford* approach has, however, been followed in various common law jurisdictions and has nonetheless been adopted (albeit with some modification) by the Singapore Court of Appeal. Given parties commonly include arbitration clauses in agreements, an answer by the HK courts at a higher level is long-awaited.

This seminar discusses the Court of Appeal’s reasoning in *Guy Kwok-Hung Lam* and its implication for the approach to arbitration clauses in the future. The seminar will also touch upon the instructive guidance provided by the Singapore Court of Appeal in approaching the issue, and judgments from other common law jurisdictions.

About the speaker:

Ernest Leung graduated with a law degree from the University of Oxford and proceeded to complete the BCL there. As a guest teacher, he formerly taught the Trusts component of Property II part-time at the London School of Economics. He is a co-author of the article “To Stay or Not to Stay – Asking the Right Questions: *Re Guy Kwok-Hung Lam*” [2022] JBL 653. The article comments on the HKCFI’s treatment of applications to stay insolvency proceedings in favour of exclusive jurisdiction and arbitration clauses. He has previously also co-authored another article published in the *Journal of Business Law* on the proper approach for awarding damages for wrongful allotment of shares. He is currently a pupil at Wilberforce Chambers, London.

CCTL Corporate Law and Governance Cluster Seminar – ‘The Valuation Treadmill: How Securities Fraud Threatens the Integrity of Public Companies’ by Prof. James Park (Online) 2 March 2023



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The Valuation Treadmill: How Securities Fraud Threatens the Integrity of Public Companies

by
Prof. James Park
Professor of Law
UCLA School of Law

2 March 2023 (Thursday), 12:00pm - 1:00pm
online seminar



The Valuation Treadmill is a history of securities fraud regulation in the United States from the 1960s to the present. Drawing on case studies of paradigmatic securities enforcement actions involving Xerox, Penn Central, Apple, Enron, Citigroup, and General Electric, the book argues

that corporate securities fraud emerged as a major regulatory concern as investors increasingly valued companies based on their future performance. It contends that the structural pressure on public companies to meet short-term projections necessitates structural responses such as the Sarbanes-Oxley Act of 2002.

About the Speaker:

James Park is Professor of Law at UCLA School of Law. He is an expert on corporate law and securities regulation. His research examines the regulation of securities fraud and corporate governance in public companies. Professor Park has written more than twenty law review articles that have been published in journals such as the California Law Review, Duke Law Journal, Journal of Empirical Legal Studies, Michigan Law Review, and UCLA Law Review. His book, *The Valuation Treadmill: How Securities Fraud Threatens the Integrity of Public Companies*, was published by Cambridge University Press in 2022. After graduating from Yale Law School, Professor Park clerked for federal judges in the Southern District of New York and U.S. Court of Appeals for the Second Circuit. He practiced law in New York City at a law firm and then as an Assistant Attorney General in the Investor Protection Bureau of the New York State Attorney General's Office.

CCTL Corporate Law and Governance Cluster Seminar – 'Sustainable Finance – The Road So Far and Looking Ahead' by Mr. Xuan Jin (Online) 9 March 2023



The poster features the CUHK LAW logo at the top left and the Centre for Comparative and Transnational Law Corporate Law and Governance Cluster logo at the top right. The main title 'Sustainable Finance - The Road So Far and Looking Ahead' is prominently displayed in the center. Below the title is a portrait of Mr. Xuan Jin, identified as a Local Partner at White & Case LLP. The event details at the bottom specify the date as 9 March 2023 (Thursday) from 1:00pm to 2:00pm, and the format as an online seminar. A QR code is located in the bottom right corner.

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**Sustainable Finance -
The Road So Far and Looking Ahead**

by
Mr. Xuan Jin
Local Partner
White & Case LLP

9 March 2023 (Thursday), 1:00pm - 2:00pm
online seminar



The past decade has brought about a seismic shift in business practices, reflecting a growing appreciation across sectors and geographies that integrating ESG considerations into corporate decision-making is not only “good for business” or a “nice to have,” but rather, it is a strategic imperative. This seminar explores the drivers for the growth of the sustainable finance market, the progress made so far and what may lie ahead.

About the Speaker:

Xuan Jin is a local partner in the White & Case LLP’s Capital Markets practice and a member of the Firm’s Global ESG & Sustainability Interest Group and Global Islamic Finance Interest Group based in Hong Kong (as a Registered Foreign Lawyer).

Xuan specializes in Debt Capital Markets (including securitizations and other structured finance and private credit), Sustainable Finance and Islamic Finance transactions, with a focus on the sovereign, sovereign related entities, and financial institutions sectors. He has 15 years’ experience advising both Issuer, Sponsor and Arranger clients across a number of jurisdictions, including Hong Kong, the PRC, the GCC, South East Asia and continental Europe. He is also a member of the ICMA Sustainability Linked Bonds Working Group, the ICMA Sustainable Securitization Task Force and APLMA’s Green and Sustainable Loan Committee.

Xuan is ranked as a “Rising Star” for Capital Markets by Legal 500 and for Debt Capital Markets by IFLR1000 and is qualified in England and Wales.

CCTL Corporate Law and Governance Cluster Seminar – ‘Debt Capital Markets and the Origins of Crises – Towards a Taxonomy’ by Dr. Vincenzo Bavoso (Online) 20 March 2023



This paper draws attention to the causal links between the crises that swept financial markets over the past thirty years, and the underlying common denominators, which can be identified with abuses of debt capital markets. This is done by constructing a taxonomy of crises and scandals, and the role played by debt capital markets in the process. While this analysis draws on some of the events underscoring the GFC of 2008, reference is made to other relevant episodes, culminating most recently with the panic of 2020. Critically, this paper highlights two key aspects, namely the relentless growth of debt capital markets, chiefly through the engine of financial innovation, and their prospering in a lightly regulated environment.

About the Speaker:

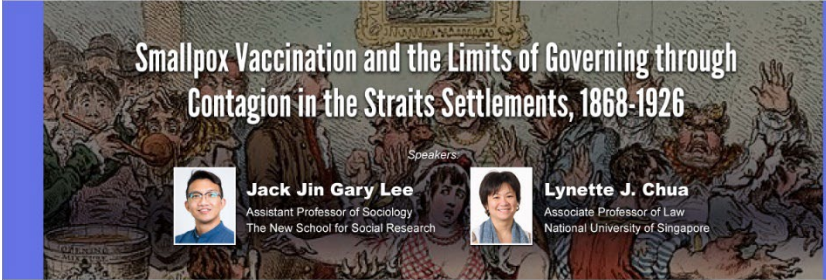
Vincenzo Bavoso is a senior lecturer in Commercial Law in the Law School, University of Manchester. Before taking up this post he was a research associate in the Tipping Points project at Durham University. This was a multidisciplinary project funded by the Leverhulme Trust where he focused on the global financial crisis in the banking sector. Before then, he held academic appointments at Kingston University, London, and at the University of Manchester, where he also completed his PhD. He holds visiting appointments at the Institute of Advanced Legal Studies, London; the China-EU School of Law, at the China University of Political Science and Law, Beijing; the National University of Singapore; and the Chinese University of Hong Kong. Prior to entering academia he was a legal practitioner, having qualified to the bar in Italy.

His research interests embrace two main strands. Firstly, the broad field of financial regulation and in particular the regulation and practice of capital markets. Secondly, the intersection between corporate law and governance, with particular reference to the regulation of corporate decision-making. He has published widely in the above areas. His work on securitisation and capital markets has been cited by the EU Parliament, the Wall Street Journal, Bloomberg (twice) and S&P Global Markets. His works on the EU Capital Markets Union and on the attendant STS Securitisation Regulation have informed policy-making exercises, among which, Foundation for European Progressive Studies (FEPS), Centre for European Policy Studies (CEPS), European Capital Markets Institute (ECMI), Politico.

He is the director of two LLM courses at Manchester, one focused on the law and practice of securities markets, and another on the regulation of international finance.

At Manchester, Vincenzo is the co-director of the Manchester Centre for Law and Business, is PGR director, and is also co-editor in chief of Law and Financial Markets Review.

CCTL Transnational Legal History Group Seminar – ‘Smallpox Vaccination and the Limits of Governing through Contagion in the Straits Settlements, 1868-1926’ (Online) 21 March 2023



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Transnational Legal History Group

Smallpox Vaccination and the Limits of Governing through Contagion in the Straits Settlements, 1868-1926


Speakers

Jack Jin Gary Lee
Assistant Professor of Sociology
The New School for Social Research

Lynette J. Chua
Associate Professor of Law
National University of Singapore

21 March 2023 (Tuesday), 8:00pm - 9:30pm
online seminar

CPD event
The Law Society of Hong Kong has awarded this seminar 1.5 Continuing Professional Development (CPD) points.



Vaccination involves the encounter of non-human biological matter and human bodies, recalibrating our susceptibility to illness and death. This boundary-crossing act has been caught in conflicting webs of moral significance, including the normalizing frameworks of public health governance and its corresponding forms of resistance. Focusing on smallpox vaccination in the

British-ruled Straits Settlements (Singapore, Penang, and Malacca) between 1868 and 1926, we examine the recurrent features of contentions over vaccination from the tentative beginnings of the 1868 Vaccination Ordinance to the systematic extension of vaccination in the twentieth century. Engaging science and technology studies of non-human agency and social theories on security, we argue that such contentions demonstrate the limits of a power formation we call governing through contagion (GTC). GTC centralizes law and other technologies to normalize public health measures that combat contagious diseases, while disconnecting populations by its strategies of control.

Our history of smallpox vaccination reveals: i) GTC relies on the interconnectedness of human and non-human actors in protecting populations against viral threats, a process in which law is essential but does not necessarily drive vaccination or other strategies of control; and ii) resistance to GTC, in which law plays an integral role, reinforces inequalities and differentiated treatment, a process we term endemic inter/dysconnectedness.

About the Speaker:

Jack Jin Gary Lee is Assistant Professor of Sociology at the New School for Social Research and Eugene Lang College of Liberal Arts at The New School. His scholarship explores how race and law shape the social logics and processes of governance in modern empires and (post)colonial states. His current projects focus on “direct rule” and the regulation of social bodies in the modern British Empire.

Lynette J. Chua is Associate Professor of Law at the National University of Singapore. She is a law and society scholar interested in legal mobilization, legal consciousness, and rights, power, and resistance. She is the author of *Mobilizing Gay Singapore: Rights & Resistance in an Authoritarian State* (2014), *The Politics of Love in Myanmar: LGBT Mobilization and Human Rights as A Way of Life* (2019), and *The Politics of Rights and Southeast Asia* (2022).

The 2nd EU-Asia Aviation Law Forum – ‘Aviation Law and the Aero-Political Implications of the Ongoing Conflict in Ukraine’ (Online) 31 March 2023



Jointly organized by the CUHK LAW CCTL and the Centre for Commercial Law Studies in Queen Mary University of London, the EU-Asia Aviation Law Forum aims to engage in debates on aviation law issues in the EU and Asia. The 2nd EU-Asia Aviation Law Forum will examine aviation law and the aero-political implications of the ongoing conflict in Ukraine. The conflict in Ukraine has generated diverse impacts in the aviation market. Among others, European and Asian airlines that served destinations requiring Russian and Ukrainian overflight now have to take large detours. Sanctions against Russia in the area of aviation and Russia's lost seat in the International Civil Aviation Organization (ICAO) Council will likely have a long-term effect. In this forum, three renowned aviation law experts, namely Mr. Jeffrey Shane, Dr. Antigoni Lykotrafiti and Prof. Jae Woon Lee will discuss the impact of the conflict in Ukraine from an aviation law perspective.

About the Speakers:

Mr. Jeffrey Shane, Former General Counsel, International Air Transport Association (IATA)

Dr. Antigoni Lykotrafiti, Senior Lecturer in Transport, Energy and the Law, Queen Mary University of London

Prof. Jae Woon Lee, Assistant Professor, CUHK LAW

CCTL Comparative Constitutional Law Research Forum Seminar – ‘The Use of Foreign Law by Constitutional Judges in Common Law Asia’ by Ms. Virginie H.L. Kuoch (Online) 4 April 2023



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Centre for Comparative and Transnational Law
Comparative Constitutional Law Research Forum

**The Use of Foreign Law by
Constitutional Judges in Common Law Asia**

by
Ms. Virginie H.L. Kuoch
PhD Candidate in Comparative Law,
Université Paris 1 Panthéon-Sorbonne
Sorbonne Law School; Visiting Researcher,
Centre for Asian Legal Studies, National University of Singapore

Discussant: Prof. Rehan Abeyratne
Associate Professor, CUHK LAW

Chair: Prof. Stuart Hargreaves
Associate Professor, CUHK LAW

4 April 2023 (Tuesday), 12:00nn - 1:00pm
online seminar

CPD event
The Law Society of Hong Kong has awarded this seminar 1 Continuing Professional Development (CPD) point.

This seminar, based on the speaker’s PhD thesis, explores the relationship between Hong Kong, Singapore and Malaysia’s constitutional judges and foreign law—including international law. These jurisdictions shared some common historical features. However, their judges’ attitude towards the citation and the use of foreign law differs. While Hong Kong’s courts welcome foreign citation with open arms, Singaporean and Malaysian’s courts appear to be more reluctant. From the study of various approaches of constitutional interpretation to judicial reasoning and decision-writing techniques through the application of the principle of stare decisis, this research aims at providing elements that could explain these different behaviours towards comparative law. Moreover, the use of comparative law by constitutional judges is linked to judicial dialogue. How shall one characterize the network of Asian judges? Finally, based on a contextual institutional analysis, the way in which comparative law is mobilized by the courts depends on the position of the judiciary power with the executive and legislative branches. The migration of the basic structure doctrine, as well as the proportionality analysis in constitutional adjudication cases, reflect this core idea.

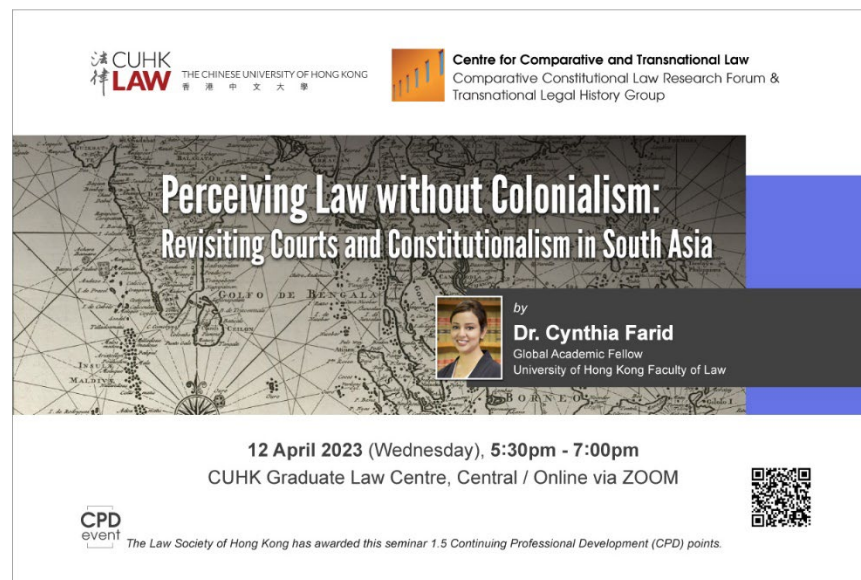
About the Speaker:

Virginie H.L. Kuoch is a PhD Candidate in Comparative Law at Université Paris 1 Panthéon-Sorbonne, Sorbonne Law School and visiting researcher at Centre for Asian Legal Studies, National University of Singapore.

Discussant: Prof. Rehan Abeyratne, Associate Professor, CUHK LAW

Chair: Prof. Stuart Hargreaves, Associate Professor, CUHK LAW

CCTL seminar – ‘Perceiving Law without Colonialism: Revisiting Courts and Constitutionalism in South Asia’ by Dr. Cynthia Farid 12 April 2023



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Centre for Comparative and Transnational Law
Comparative Constitutional Law Research Forum &
Transnational Legal History Group

**Perceiving Law without Colonialism:
Revisiting Courts and Constitutionalism in South Asia**

by **Dr. Cynthia Farid**
Global Academic Fellow
University of Hong Kong Faculty of Law

12 April 2023 (Wednesday), 5:30pm - 7:00pm
CUHK Graduate Law Centre, Central / Online via ZOOM

CPD event
The Law Society of Hong Kong has awarded this seminar 1.5 Continuing Professional Development (CPD) points.

This paper argues that the colonial government in India was shaped by changes in property law, race relations, and other institutional interests that accompanied the political and economic restructuring of the colonial state. Therefore, the development of constitutionalism was the outcome of the interplay between institutional and professional interests and larger socio-economic and political forces. Against the backdrop of empire, constitutionalism in British India was defined by a specific form of allocation of powers between the executive (which also exercised legislative powers) and the high courts. The structure that developed as a result was a strong executive government, particularly in its exercise of power in local districts with formal judicial scrutiny introduced after 1861. The relationship between the executive and the judiciary in localities generated a series of conflicts and tensions, which were exacerbated by the expansion of the bureaucracy, the legal profession, and gradual inclusion of Indians in the upper strata of governance. Taken together, these factors led to the development of a hybrid model of separation of powers in the Indian subcontinent, which seems to have stood the test of time in postcolonial countries of South Asia despite political elites having invested considerable resources on constitutional reform.

About the Speaker:

Dr. Cynthia Farid is a legal historian and a lawyer with longstanding experience in research, legal practice as well as a range of international development and rule of law programming with INGOs, think tanks, and legal rights organizations. Having completed her bar from the UK and Bangladesh, she graduated with advanced degrees from Cornell Law School (LL.M) and the University of Wisconsin Law School (SJD-Doctor of Juridical Science).

She is currently appointed as a Global Academic Fellow at the University of Hong Kong Faculty of Law. Prior to her appointment, Dr. Farid was practicing as an Advocate of the Supreme Court of Bangladesh, and had been working with human rights NGOs in Bangladesh on research and reporting to UN treaty bodies. Dr. Farid's research interests include socio-legal history, constitutional and administrative law, law and development (with a focus on South Asia), and knowledge production processes in the Global South. She is also the organizer of two International Research Collaboratives of the Law and Society Association on South Asian Legal Systems and Scholars in the Global South respectively that have brought together scholars from around the globe to work on collaborative projects.

CCTL Transnational Legal History Group Seminar – 'SS Ventnor – A Tragic New Zealand Shipwreck, Hungry Ghosts and Bitter Controversy' by Mr. Keith Gordon (Online) 18 April 2023



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Transnational Legal History Group

**SS Ventnor – A Tragic New Zealand Shipwreck,
Hungry Ghosts and Bitter Controversy**

by
Mr. Keith Gordon
International Fellow of The Explorers Club and President of
the New Zealand Underwater Heritage Group

18 April 2023 (Tuesday), 12:30pm - 1:30pm
online seminar



The 2013 discovery of the 1902 shipwreck SS Ventnor off the New Zealand North Island coast created major international media interest and controversy. The ship had been transporting the

disinterred remains of 499 Chinese miners from New Zealand to China for reburial. In 2021 the bones of the lost miners were found entombed in the deep shipwreck. What is to become of these hungry ghosts of the deep is a question involving conflicting cultural beliefs and sensitivities. Artefacts recovered from the shipwreck created bureaucratic indecisions and are cause for unprecedented New Zealand Government legislation of a vessel lost in New Zealand seas.

In his recently published book, *SS Ventnor – Ghost Ship of the Hokianga*, author Keith Gordon tells the full story of his personal involvement with the search, discovery and exploration of a shipwreck, which has been declared of New Zealand national importance.

Keith's presentation covers the history and discovery of the lost ship, together with the story of the early New Zealand Chinese gold miners. The controversy and arguments that have erupted with the *Ventnor's* discovery and her cargo of lost souls still continue. It is a story involving cultural and maritime heritage, daring deep shipwreck exploration and controversy involving Chinese, Maori and European cultures.

About the Speaker:

Keith Gordon, a New Zealander living in Auckland New Zealand, is a pioneer underwater explorer with extensive underwater and shipwreck exploration experience. He is an International Fellow of The Explorers Club and President of the New Zealand Underwater Heritage Group.

With a keen interest in maritime heritage, underwater expeditions have taken Keith to remote areas of the Pacific, South East Asia and the Aegean to search for and explore historical shipwrecks.

Keith is the author and publisher of: *Deep Water Gold – the story of RMS Niagara* and: *SS Ventnor – Ghost Ship of the Hokianga*. He is co-author of *New Zealand Shipwrecks* (8th edition) and has published numerous magazine articles on maritime historical and heritage topics.

CCTL Comparative Constitutional Law Research Forum Seminar – ‘Managing Legitimacy and Stability in Multilevel Governance’ by Dr. Maja Sahadžić (Online) 20 April 2023



In her book *Asymmetry, Multinationalism and Constitutional Law, Managing Legitimacy and Stability in Federalist States* (Routledge, 2020 and 2022), Maja Sahadžić explores the reasons behind differential constitutional arrangements within one state from a comparative perspective. Her approach in the book is based on identifying three main indicators of differentiation, such as status, powers, and fiscal autonomy, and using them to link them to the factors and trends that support differentiation such as power ratio, an absence of centrifugal features of the central level, historical reasons, separatist threats, and wealth. At the same time, the book confirms that some factors and trends work oppositely from those expected. To support and further elaborate her qualitative and empirical analyses, she uses 15 carefully selected country studies. One of those is China with special positioning of Hong Kong and Macau and the consequences that differential positioning together brings for their legitimacy and stability. This presentation is envisaged as a brief book outline and an exchange on central issues that will be presented during the seminar.

About the Speaker:

Dr. Maja Sahadžić is Assistant Professor at Utrecht University, Visiting Professor at University of Antwerp, Senior Research Fellow at Law Institute in B&H, and Affiliated Scholar at Center for Comparative and Transnational Law at CUHK.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘Corporate Due Diligence and SDGs in Private International Law’ by Prof. Yuko Nishitani (Online) 16 May 2023



Today, it is highly debated how to realize corporate due diligence across the global value chain. Multinationals headquartered in the Global North do business through their subsidiaries, suppliers, or subcontractors in the Global South and thereby cause human rights violations or environmental damage. Should the parent company be held responsible for the wrongs committed across the global value chain? Can litigation be a viable means to combat human rights abuse or climate change? To achieve common interest and SDGs in the international community, it is necessary to overcome the North-South divide and attain shared responsibility. This seminar discusses several avenues of effecting corporate due diligence and scrutinizes the role of private international law for global governance.

About the speaker:

Prof. Yuko Nishitani is Professor of Private International Law at Kyoto University in Japan. After her studies in Japan, she received a Ph.D. from the University of Heidelberg in Germany. She did research in New York, Paris, Hamburg, Cologne, Milan, Florence, and The Hague. She has been a Visiting Professor in the U.S., Belgium, Italy, Switzerland, Israel, and Taiwan, and most recently at NYU in spring 2023. She was also a Director of Studies (English) and Lecturer (French) at the Hague Academy of International Law and belongs to its Curatorium since 2017. She served in several Legislative Committees and represented the Japanese Government at the Hague Conference on Private International Law.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘International VC Practice: What Lawyers Can Do for Tech Start-Ups’ by Mr. Brian Harley (Online) 12 June 2023



How can lawyers genuinely add value to early-stage tech companies? This session will focus on practical issues in international venture capital practice, aiming to provide an understanding of what the key drivers and priorities of start-ups and investors are – both during and between funding rounds – and how lawyers can provide impactful legal support to start-up clients, from preparing and negotiating investments to managing legal risks and using legal tools to capture the value of the company’s technology.

About the Speaker:

Mr. Brian Harley is a Consultant and Tech M&A Leader (APAC) at Clifford Chance. His practice focuses on tech M&A and technology transactions, including acquisitions, minority investments, joint ventures and cutting-edge technology projects (blockchain/DLT, digital platforms, AI). He has advised start-ups and investors on fundraises and M&A for over a decade in Asia, Europe and the US. He is qualified in Hong Kong, New York, England & Wales and Ireland.

Conferences/Symposiums

CCTL Obligations Lab Asia Conference – ‘Transformation or Adaptation? Private Law and New Technologies’ (Online) 12 May 2023



Law has an important function in ensuring that the benefits of technological innovation can be fully harnessed and that burdens are fairly distributed. However, there are diverging views on when technological progress, such as the rise of AI, requires a complete transformation of existing legal frameworks and when cautious adaptation is sufficient. The latter approach acknowledges the almost endless adaptability of law through reinterpretation of existing principles and instruments. The aim of this conference is to present and confront various views on how private law should be ‘updated’ to meet the challenges arising from novel, technologically-enabled social and commercial practices.

To provide a platform for discussion of these issues, the CCTL Obligations Lab Asia at CUHK LAW will hold an online conference titled “Transformation or Adaptation? Private Law and New Technologies” on Friday, 12 May 2023.

The 3rd Asian Legal History Conference 20 - 21 June 2023



The Transnational Legal History Group of CUHK LAW's Centre for Comparative and Transnational Law is organizing the Third Asian Legal History Conference at the CUHK Graduate Law Centre, Faculty of Law, 2/F, Bank of America Tower, 12 Harcourt Road, Central, Hong Kong on 20-21 June 2023. The conference is supported by the Asian Legal History Association. Previous Asian Legal History Conferences have been hosted, organized and supported by the Faculty of Law at Hue University, the Faculty of Law at Thammasat University, the Centre for Asian Legal Studies at the National University of Singapore and CUHK LAW.

The conference aims to bring together a diverse, interdisciplinary group of scholars, researchers and graduate students to share their research findings on topics relating to legal history in Asia. The conference is open to scholars anywhere in the world working on Asian legal history, broadly understood, and scholars based in Asia working on any legal history-related subjects.



Publications

For full list of publications by CCTL members, see here:
<https://www.law.cuhk.edu.hk/app/research-excellence/>