



Centre for Comparative and
Transnational Law

Annual Activities Report

2023-24



Contents

The Centre for Comparative and Transnational Law (CCTL) at CUHK LAW	2
Mission	2
Organisation	3
Internal Organisation	4
CCTL Research Clusters	6
Clusters' Chairpersons	11
Steering Committee	15
Overview of Activities	19
Book Talks	20
Seminars	22
Conference	69
Publications	70



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

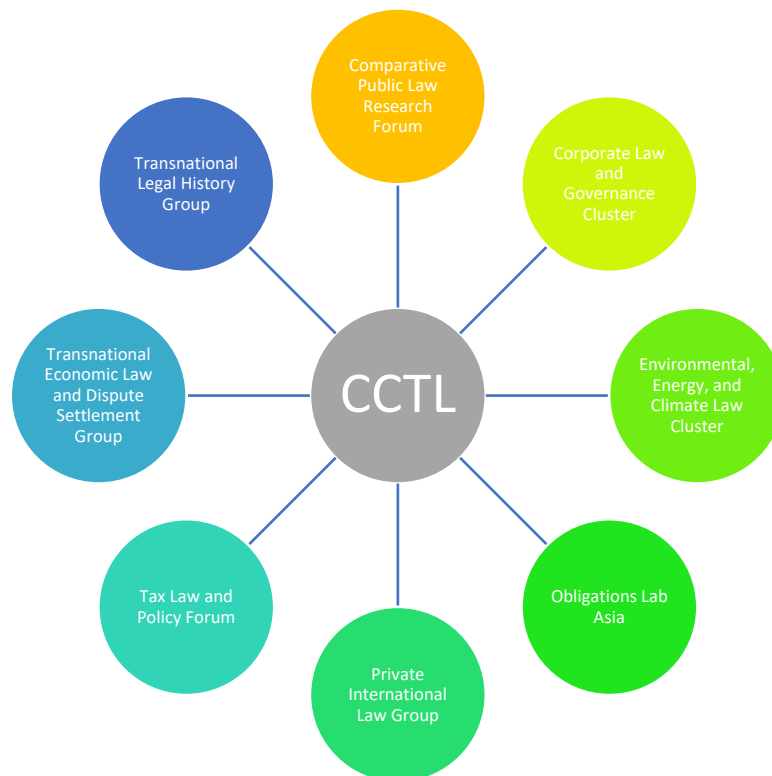
CCTL aims to

- 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 eight research clusters that pursue innovative and impactful comparative research across several fields including comparative public law, private international law, transnational economic law, legal history, environmental law, corporate law and governance, the law of obligations, and tax law and policy.



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 Associate 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 Public Law Research Forum

In October 2023, the Comparative Constitutional Law Research Forum was renamed as Comparative Public Law Research Forum to reflect the broader interest of the group on issues of public law instead of constitutional law.

Echoing the global vision of the Faculty, the Comparative Public Law Research Forum at CUHK LAW engages with global scholarship on comparative public law.

The aims of the Forum are threefold: knowledge, theory, and practice. The Forum aims to generate substantive knowledge about comparative public law; to engage in debates on important comparative public law issues and theories; and to provide a reference resource on public law and constitutional issues for government, law-makers, judges and other practitioners.

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

Members

- Prof. Asif Hameed (Cluster Chair)
- Prof. Stuart Hargreaves
- Prof. Ryan Mitchell
- Prof. Michael Ramsden
- 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. Elliot Fung
- Prof. Steven Gallagher
- Mr. Alan Gibb
- Prof. Stephen Hall
- Mr. Arthur Lee
- Prof. Siyi Lin
- 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.

Members

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

Tax Law and Policy Forum

The Tax Law and Policy Forum hosts talks and seminars on regional and international tax law issues. It aims to promote research and provide opportunities for the discussion of tax policy questions, international tax reforms, and transnational tax challenges.

Members

- Prof. Noam Noked (Cluster Chair)
- Prof. Jingyi Wang
- Dr. Ian Lee
- Prof. Eliza Mik
- Prof. James Zeng

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. Yueming Yan (Cluster Chair)
- Prof. Anatole Boute
- Prof. Shixue Hu
- Prof. Jae Woon Lee
- Prof. Jyh-An Lee

- Prof. Bryan Mercurio
- Prof. Noam Noked
- Prof. Jingyi Wang

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 thematic: 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. Asif Hameed

Dr. Asif Hameed is an Associate Professor in the Faculty of Law, The Chinese University of Hong Kong. Asif's interests lie in constitutional law, political theory and international law. He took his Law degrees at Oxford and worked at four successive UK universities: Oxford, Cambridge, Southampton and Royal Holloway, University of London. Asif is currently investigating whether high-stakes political questions can be addressed impartially and, if so, how far they should be. He looks forward to reflecting on these issues in Asia and in Hong Kong, which has a particularly rich concentration of academics thinking about the relations between democratic and meritocratic forms of government.



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 has been accredited by The Hong Kong Chartered Governance Institute for ESG Reporting. 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. Dr. Chong is an Affiliate of the International Water Law Academy and a Thought Leader for Harvard Business Publishing.



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. Noam Noked

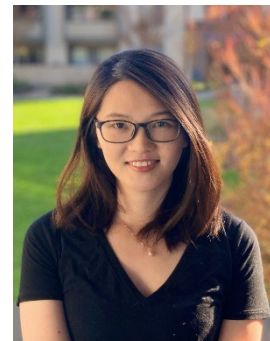
Noam Noked is an Associate Professor of Law at the Chinese University of Hong Kong. His research focuses on tax law and policy. His academic work has appeared or is forthcoming in the *Yale Journal of International Law*, *Virginia Journal of International Law*, *Harvard Business Law Review*, *American Journal of Comparative Law*, *UC Irvine Law Review*, *Virginia Tax Review*, *Florida Tax Review*, *Columbia Journal of Tax Law*, *Australian Tax Review*, *Journal of Tax Administration*, *Intertax*, *Stanford Law Review Online*, *Michigan Law Review Online*, and other journals. His publications have been cited in reports and policy papers of the World Bank, International Monetary Fund, U.S. Congressional Research Service, United Nations Development Programme, European Commission, European Parliament, European Law Institute, Brookings Institution, Tax Justice Network, and other organizations. Prof. Noked serves as the deputy director of the Ph.D. and M.Phil. programs at the Faculty of Law. He also serves as the honorary secretary of the Joint Liaison Committee on Taxation, a forum that discusses various tax issues and reflects the views of tax practitioners and several stakeholders to the Hong Kong Government. He is a member of the executive committee of the Hong Kong branch of the International Fiscal Association. He is also a U.S. tax consultant



in the Hong Kong office of Baker McKenzie, advising financial institutions, trustees, corporations and individuals on U.S. and international tax matters. He is admitted to practice in Israel and New York. Prof. Noked holds a doctoral degree in law (S.J.D.) from Harvard Law School, where he received the John M. Olin Prize for best paper in law and economics. While at Harvard, he was a fellow of the Program on Corporate Governance and a co-editor of the Harvard Law School Forum on Corporate Governance and Financial Regulation. He was also a teaching assistant for the LL.M. writing workshop, and a recipient of the Terence M. Considine fellowship. He holds an LL.B. in Law (summa cum laude) and a B.A. in Accounting (summa cum laude) from Tel Aviv University. He was a law clerk to Justice Eliezer Rivlin of the Supreme Court of Israel and worked in the Capital Market Division of the Israeli Ministry of Finance.

Prof. Yueming Yan

Dr. Yueming Yan is an Assistant Professor at the Faculty of Law, The Chinese University of Hong Kong (CUHK Law). Currently, she serves as a Co-Chair of the American Society of International Law (ASIL) Asia-Pacific Interest Group and a Senior Fellow at The University of Melbourne, Law School. Her research and teaching areas cover international trade law, international investment arbitration and policy, dispute resolution, sustainable development, China's laws, comparative law, and empirical legal studies. Yueming has published in leading peer-reviewed journals such as the *Journal of International Economic Law*, *Journal of International Dispute Settlement*, *ICSID Review – Foreign Investment Law Journal*, *Asian Journal of WTO & International Health Law and Policy*, and the *Asia Pacific Law Review*. Her works also appear or will appear in the *University of Pennsylvania Journal of International Law*, *Proceedings of the ASIL Annual Meeting*, and the *Kluwer Arbitration Blog*. Her PhD dissertation – Improving international investment law's treatment of (anti-) corruption: Towards a more balanced approach – was granted the Award on International Investment Arbitration Law in memory of Piero Bernardini (2022). Before joining CUHK Law, Yueming was a Visiting Assistant Professor and a Global PhD Fellow at Singapore Management University Yong Pung How School of Law and Singapore International Dispute Resolution Academy. She has engaged in many training programs for government officials globally, focusing on managing international investment treaty commitments and exploring innovative mechanisms for multi-party dispute resolution. Yueming holds a PhD in Law from McGill University Faculty of Law. She is a native Mandarin speaker, fluent in English, and conversational in French.



Prof. Christopher Roberts

Professor Roberts is an Associate 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)

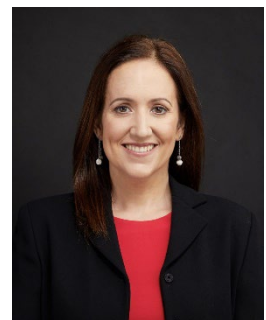
Prof. James Zeng

Associate Professor, CUHK LAW (see bio above)

Prof. Sandra Marco Colino

Associate Professor, CUHK LAW

Sandra Marco Colino is an Associate Professor. She specialises in competition law, merger control, the digital economy, technology law, EU law, telecommunications, and law & economics. She joined the Faculty in 2010 and is the Deputy Programme Director of the Master of Laws (LLM) in International Economic Law. She currently serves as Non-Governmental Advisor (NGA) to the International Competition Network, and sits on the Academic Board of the law firm Dictum and on the Scientific Committee of the European University Institute's Centre for a Digital Society. She previously directed the Centre for Financial Regulation and Economic Development (CFRED), and the Summer Schools on EU Competition Law at the College of Europe in Bruges (Belgium). Prior to moving to Hong Kong, she was a Lecturer at the University of Glasgow (UK). Prof. Marco Colino holds a PhD from the European University Institute in Florence (Italy) and an LLM from the University Carlos III of Madrid (Spain). A qualified lawyer in Spain and a member of the Madrid Bar, she has worked as stagiaire at the European Commission (Belgium) and has trained in various Madrid law firms. She has been a Visiting Scholar at the University of Wisconsin – Madison (USA), the University of California – Berkeley (USA), the University of Melbourne (Australia), the University of Birmingham (UK) and the University of Glasgow. She is a member of the Academic Society for Competition Law (ASCOLA), a Fellow of the Transatlantic Technology Law Forum of Stanford University (USA), and an Associate Researcher at the Royal



University Institute for European Studies in Madrid. In 2010 she founded the Communications Policy and Regulation Scholars Forum (CPRSF). She is the Hong Kong news correspondent to the European Competition Law Review, and an analyst for Agenda Pública. Her award-winning research has been extensively published in leading peer-reviewed journals and US law reviews. She is the author of various books, including the textbook *Competition Law of the EU and UK* (Oxford University Press), now in its 8th edition, and the monograph *Vertical Agreements and Competition Law* (Hart). She is the Principal Investigator of three major research projects funded by Hong Kong's Research Grants Council, and a member of two EU-funded Jean Monnet research networks. She was a founding member and the Deputy Director of the European Union Academic Programme in Hong Kong, a collaboration between four of the city's leading universities co-funded by the European Union. Prof. Marco Colino's honours and recognitions include the Young Researcher Award (CUHK, 2021), the Award for High-Impact in Legal Scholarship (CUHK, 2020), the Academic Excellence Award (Global Competition Review, 2020), the Antitrust Writing Award (Concurrences, 2018), the award for best paper and presentation (Georgetown University's Center for German and European Studies, 2004), and the Teaching Excellence Award (CUHK, 2017).

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 July 2023 to 30 June 2024**. CCTL organized 39 events including:

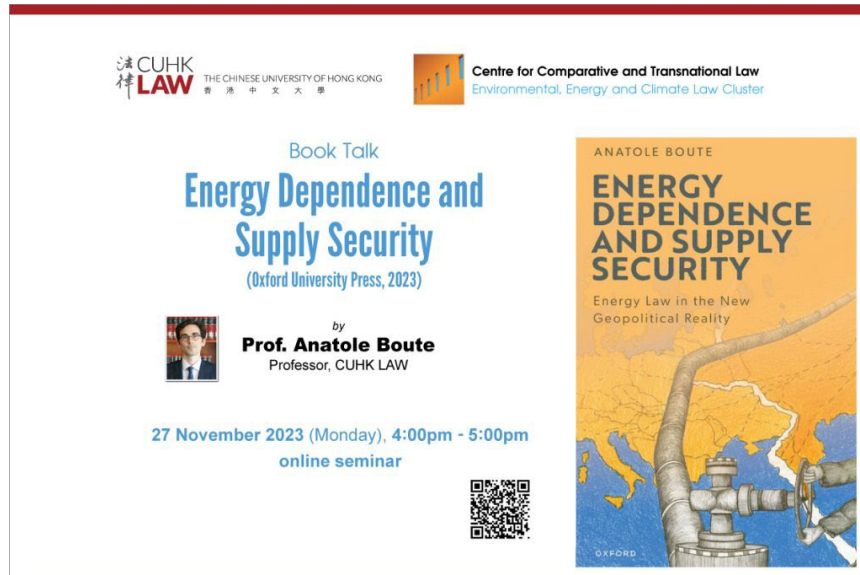
- Book Talks
- Seminars
- Conference

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 Talks

CCTL Environmental, Energy and Climate Law Cluster Book Talk- 'Energy Dependence and Supply Security' by Prof. Anatole Boute (Online), 27 November 2023



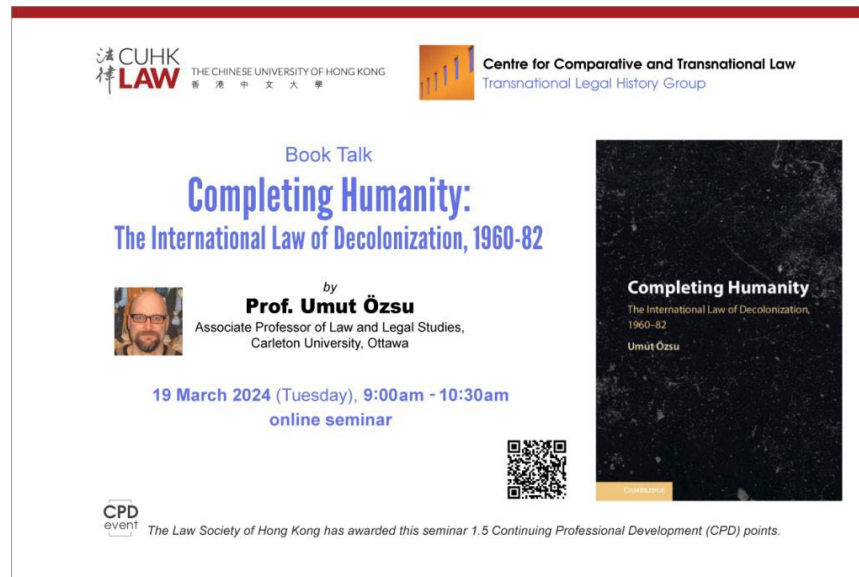
The poster features the CUHK LAW and Centre for Comparative and Transnational Law logos at the top. The central text reads 'Book Talk Energy Dependence and Supply Security (Oxford University Press, 2023)'. Below this is a small portrait of Prof. Anatole Boute and his name and title. The event details '27 November 2023 (Monday), 4:00pm - 5:00pm online seminar' are listed, along with a QR code. On the right is the book cover for 'ENERGY DEPENDENCE AND SUPPLY SECURITY' by Anatole Boute, published by Oxford University Press. The cover art depicts a large industrial pipe with a valve, set against a background of a world map.

The disruption of Russian gas supplies in 2022 administered an unprecedented shock to the European and global energy markets, triggering emergency interventions and market reforms to limit the impact of the crisis on energy prices and supply security. More fundamentally, the supply shock sparked a profound reappraisal of foreign supply and infrastructure dependencies, leading states to adopt new legal initiatives to strengthen the resilience of their clean energy supply chains. Energy geopolitics and supply security are now firmly back at the centre of global energy policy, and in this new geopolitical reality, we critically need to reassess the role of energy law in the creation – and avoidance – of dangerous energy dependencies. *Energy Dependence and Supply Security* illustrates the paradox of energy law and security: legal instruments of energy security have helped create the supply and infrastructure dependencies that allowed for the weaponization of energy. In turn, it proposes innovative supply security reforms that would allow dependencies to be managed, while still preserving the international collaboration that is needed to accelerate the transition to clean, affordable, and secure energy systems.

About the Speaker:

Prof. Anatole Boute, Professor, CUHK LAW

CCTL Transnational Legal History Group Book Talk – ‘Completing Humanity: The International Law of Decolonization, 1960-82’ by Prof. Umut Özsu (Online), 19 March 2024



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Centre for Comparative and Transnational Law
Transnational Legal History Group

Book Talk
**Completing Humanity:
The International Law of Decolonization, 1960-82**

by
Prof. Umut Özsu
Associate Professor of Law and Legal Studies,
Carleton University, Ottawa

19 March 2024 (Tuesday), 9:00am - 10:30am
online seminar

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

Completing Humanity
The International Law of Decolonization,
1960-82
Umut Özsu

After the Second World War, the dissolution of European empires and emergence of ‘new states’ in Asia, Africa, Oceania, and elsewhere necessitated large-scale structural changes in international legal order. In his new book, *Completing Humanity*, Prof. Özsu recounts the history of the struggle to transform international law during the twentieth century’s last major wave of decolonization. Commencing in 1960, with the General Assembly’s landmark decolonization resolution, and concluding in 1982, with the close of the third UN Conference on the Law of the Sea and the onset of the Latin American debt crisis, his book examines the work of elite international lawyers from newly independent states alongside that of international law specialists from ‘First World’ and socialist states. A study in modifications to legal theory and doctrine over time, it documents and reassesses post-1945 decolonization from the standpoint of the ‘Third World’ and the jurists who elaborated and defended its interests.

About the Speaker:

Umut Özsu is Associate Professor of Law and Legal Studies at Carleton University, Ottawa. He is the author of *Formalizing Displacement: International Law and Population Transfers* (Oxford University Press, 2015) and *Completing Humanity: The International Law of Decolonization, 1960-82* (Cambridge University Press, 2023). He is also the co-editor of a number of edited volumes and journal symposia, including the *Research Handbook on Law and Marxism* (Elgar, 2021).

Seminars

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘Proof of Foreign Law in Mainland China’ by Dr. Li Jing (Online), 15 September 2023



Proof of Foreign law is one of the fundamental problems in the field of private international law. Nowadays application foreign law clearly and accurately becomes an inevitable requirement for enhancing the international credibility and justice in foreign related cases in Mainland China. This seminar will discuss the significance and current legal basis in Mainland China on proof of foreign law. Under the legal framework, some legal service agencies, especially the proof of foreign law institutions developed rapidly. Proof of Foreign Law Center of ECUPL is one of them. The methods and procedure of Proof of foreign law in judicial practice and arbitration will also be explored in this seminar.

About the Speaker:

Dr. Li Jing is an Associate Professor at International Law School of ECUPL. She graduated from the Law School of Wuhan University. She attended the Overseas Program of the Hague Academy of International Law in the year of 2005 and 2009. In 2015, she visited Macquarie University in Australia for legal teaching methodology training. In 2019, she visited the UK for English judicial system and arbitration law research.

Dr. Li Jing is a member of Chinese Academy on Private International Law and Chinese Institute of International Law. Her current research focuses on the areas of Chinese Conflict of Laws, International Civil Litigation Law and Commercial Arbitration.

CCTL Corporate Law and Governance Cluster Seminar – ‘Developments in the Securities Market in India’ by Prof. Harpreet Kaur (Online), 27 September 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 'Developments in the Securities Market in India' is displayed in large white text over a background image of a modern glass skyscraper. Below the title, a small portrait of Prof. Harpreet Kaur is shown next to her name and title: 'by Prof. (Dr.) Harpreet Kaur, Professor of Law and Registrar, National Law University Delhi'. At the bottom, the date and time '27 September 2023 (Wednesday), 12:30pm - 2:00pm' and the format 'online seminar' are listed, accompanied by a QR code on the right.

The seminar will discuss the developments in the securities market in India.

About the Speaker:

Prof. (Dr.) Harpreet Kaur is Professor of Law and Registrar at National Law University Delhi and teaches Corporate Laws, Securities Regulations and Antitrust laws. She is director of the Center for Corporate Law and Governance at National Law University, Delhi.

She was a Fulbright Nehru Academic and Professional Excellence Scholar at Emory Law School in 2021. She has been earlier a Fulbright Scholar in Residence at Miami Dade College in 2016. She served as Chair Professor of Indian Studies on Rotating Chair established by Indian Institute of Cultural Affairs at Faculty of Law, Leibniz University, Germany in 2015. She is a visiting faculty to the Faculty of Law, University of Bergen, Norway.

She has authored a textbook on Business and Corporate Laws and co-authored textbooks on Competition Law, Jurisprudence, Interpretation of Statutes, Law of Torts and Labour and Industrial Laws. She has edited a book on *‘Facets of Corporate Governance and Corporate Social*

Responsibility in India published by Springer and *Women and Entrepreneurship in India* published by Routledge in 2021. Her co-edited Handbook on *Shareholder Engagement and Voting* has been published by Cambridge University Press in 2022.

CCTL Transnational Economic Law and Dispute Settlement Group seminar – ‘International Commercial Arbitration: What Explains the Ongoing Boom?’ by Prof. Michael Martinek, 4 October 2023



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Centre for Comparative and Transnational Law
Transnational Economic Law and
Dispute Settlement Group

**International Commercial Arbitration:
What Explains the Ongoing Boom?**

by
Prof. Michael Martinek
Visiting Scholar of Simon F.S. Li Distinguished Visiting Scholars Programme at CUHK LAW
Professor of Law (em.), University of Saarland, Germany

4 October 2023 (Wednesday), 1:00pm - 2:00pm
at the Warren Chan Moot Court, CUHK Graduate Law Centre in Central

Participant may also join the event online via ZOOM

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

Prof. Martinek will discuss the commonly enlisted advantages of international commercial arbitration proceedings and explain its astonishing thrive and popularity in the international business world. Surprisingly, it is not so much the easy enforcement of arbitral awards, the procedural flexibility, the shorter duration, or the (often enough) lower costs of arbitration proceedings, which account for the unbroken arbitration boom. It rather appears that it is the obtention of a “better law” in the eyes of the parties which determines the preference for private courts instead of state courts. Arbitration seemingly delivers higher quality outcomes from the parties’ perspective.

About the Speaker:

Professor Michael Martinek held the chair for Civil and Commercial Law, Business Organisation Law, Comparative Law and Private International Law of University of Saarland in Saarbruecken, Germany, from 1986 to 2019. He was also director of the Institute of European Law. 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 years of studies in the USA. Having obtained the professorial qualification (venia legendi) in 1986, he was a docent at university of Muenster/Westfalia, before he was appointed professor for life at Saarland University in Saarbruecken.

Professor Martinek’s ongoing research focuses on German and European commercial and business law, trade regulation law and antitrust law, particularly the law of distribution systems and banking law. He has written more than 30 books and major treatises (some of them have become standard works) and more than 250 articles, contributions and notes. He is a visiting professor at ZUEL Wuhan and at University of Johannesburg, Rep. of South Africa where he he was was appointed Honorary Professor of Law in 2006 and Distinguished Visiting Professor in 2015.

CCTL Tax Law and Policy Forum Joint Seminar – ‘The Impact of Pillar 2 and the GloBE-Rules on the Future Design of Tax Systems and Tax Incentives’ by Prof. Dr. Martin Wenz, 12 October 2023



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香港中文大學

Centre for Comparative and Transnational Law
Tax Law and Policy Forum

The Impact of Pillar 2 and the GloBE-Rules on the Future Design of Tax Systems and Tax Incentives

by
Prof. Dr. Martin Wenz
Chair for Business Taxation and the Laws of
International and Liechtenstein Taxation,
University of Liechtenstein, Vaduz

12 October 2023 (Thursday), 6:30pm - 8:00pm
The Warren Chan Moot Court, CUHK Graduate Law Centre, Central



The global level-playing field on taxation as well as the tax systems of jurisdictions are currently challenged and amended essentially by the implementation of Pillar 2 and the GloBE-Rules regarding the global minimum taxation of 15% on certain multinational enterprises, wealth structures and family offices to floor tax competition. Alternatively, the US still follow their amended GILTI-Rules and address the implementation of certain GloBE-Rules as a refusable extraterritorial taxation. The seminar focuses on the tremendous impact of GloBE on the future design of tax systems and tax incentives post BEPS 1.0 and 2.0. In jurisdictions with a territorial

tax system, a competitive tax burden or various preferential tax regimes like in Hong Kong, Ireland, Liechtenstein, Singapore, and Switzerland, traditional income- and expenditure-based tax incentives like IP-Boxes and R&D-super-deductions with reduced effective tax rates are mostly cancelled-out by GloBE-top-up taxes, subject to the introduction of so-called Qualified Refundable Tax Credits (QRTC). Vice versa, high tax countries like France, Spain and the UK still may use several traditional tax incentives like IP-Boxes and R&D-super-deductions with reduced effective tax rates in order to increase their tax competitiveness and to lower their effective tax burden even up to a maximum of 15%. Whereas tax competition in the past boosted cross-border BEPS and the respective use of tax incentives in highly competitive jurisdictions, the introduction of GloBE will support domestic BEPS measures to achieve a similar level of tax competitiveness in less competitive countries. Thus, tax competition is everything, but ended by the introduction of GloBE-Rules, and supplemented more and more by subsidy competition. This seminar is jointly co-organized by the CCTL Tax Law and Policy Forum and International Fiscal Association – HK Branch.

About the Speaker:

Professor Dr Martin Wenz is a Professor of National and International Tax Law and holds the Chair for Business Taxation and the Laws of International and Liechtenstein Taxation at the University of Liechtenstein. He is also the Academic Head of the Liechtenstein Executive School and the Program Director of the Master of Laws (LL.M.) in International Taxation. His main research interests are the international tax policy, the re-design of tax systems, international tax standards, the international Level-playing-field on taxation, the international tax treatment of individuals, companies, private and charitable asset and wealth structures and the various aspects of the Liechtenstein tax law. Professor Wenz gives also comprehensive advice to the Liechtenstein Government on national and international tax law including Double Tax Agreements and on the Implementation of International and European Tax Standards including Pillar 2.

*CCTL Seminar – ‘Reforming Australia’s Limited Partnership Laws: Lessons from Hong Kong’
by Dr. Tamara Wilkinson, 18 October 2023*



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

Centre for Comparative and Transnational Law
 Corporate Law and Governance Cluster &
 Tax Law and Policy Forum

**Reforming Australia's Limited Partnership Laws:
 Lessons from Hong Kong**

by
Dr. Tamara Wilkinson
 Lecturer, Monash University Faculty of Law
 Melbourne, Australia

18 October 2023 (Wednesday), 12:30pm - 1:45pm
 The Warren Chan Moot Court, CUHK Graduate Law Centre, Central

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

Limited partnerships are hybrid vehicles that are intended to combine the limited liability of corporate structures and the ‘flow-through’ taxation treatment generally granted to partnerships. These features make limited partnerships the ‘vehicle of choice’ for venture capital funds because they provide investors with protection against liability for the debts of the partnership, whilst also allowing them to deduct their share of the partnership’s investment losses. However, since 1992, Australia has generally taxed limited partnerships as though they were companies, which is not concessional and is out of step with how limited partnerships are treated internationally in jurisdictions including Hong Kong.

If Australia is committed to encouraging increased local venture capital investment, which it ostensibly is, then it is imperative that its limited partnership laws be significantly reformed. Flow-through taxation should be granted to all limited partnerships, along with integrity rules to limit the deductibility of losses, as seen under Hong Kong’s limited partnership taxation laws. By drawing inspiration from Hong Kong and other leading investment jurisdictions, Australia can better support high-risk venture capital investment by providing wider access to concessional investment vehicles, and thereby improve the country’s attractiveness as an investment destination in line with recognised government policy objectives.

About the Speaker:

Dr. Tamara Wilkinson is a Lecturer in the Faculty of Law at Monash University and the author of several books on the laws of venture capital investment and tax incentives (*Venture Capital Investment and Government Incentives*, forthcoming 2024; *Incentivising Angels: A Comparative Framework of Tax Incentives for Start-Up Investors*, 2019; *Innovation and Venture Capital Law and Policy*, 2016). She teaches Private Investment Law and Lawyer's Ethics at the undergraduate and postgraduate levels.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – 'Concurrency and Private International Law' by Dr. Sagi Peari, 27 October 2023



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香港中文大學

Centre for Comparative and Transnational Law
Private International Law Group

CROSS-BORDER LEGAL ISSUES
DIALOGUE Seminar Series

Concurrency and
Private International Law

by
Dr. Sagi Peari
Associate Professor in
Private and Commercial Law,
UWA Law School, Australia

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

27 October 2023 (Friday), 12:30pm - 2:00pm
online seminar

The possibility of submitting concurrent claims in such categories as tort and contract epitomises a Gordian knot of private law. It seems to be unfair. The fact that a plaintiff can concurrently submit claims in more than one category (say both contract and tort) puts them in a dominant position over the defendant. Apparently, it is precisely the internal intelligibility and distinctiveness of private law's categories (such as contract & tort) which justifies such availability of the choice to the plaintiff. The plot thickens when a foreign element/s is present in the factual scenario of a case. Would it be possible for the plaintiff to use the availability of concurrent claims to impose their choice of jurisdiction and/or applicable law on a defendant? The talk will delve into these complex issues.

About the Speaker:

Dr. Sagi Peari researches and teaches within private law, commercial law, international law and their intersections. He is an author of two research monographs published by Oxford University Press: *The Foundation of Choice-of-Law: Choice & Equality* (New York: Oxford University Press, 2018) and *International Negotiable Instruments* (with Professor Benjamin Geva) (Oxford: Oxford University Press, 2021). Sagi is the only Australian academic who has authored two research monographs in law with Oxford University Press. His papers have been accepted for publication in leading UK, US, Canadian and Australian journals, including *Oxford Journal of Legal Studies*, *Cambridge Law Journal*, *American Journal of Comparative Law*, *Delaware Journal of Corporate Law* and the *University of Toronto Law Journal*. Presently, with Professor Warren Swain of the University of Auckland, Sagi leads a global interdisciplinary initiative to tackle the current incoherency of private law.

In essence, Sagi's scholarship lays out a global theory of just public institutions and the legal effects of cross-border interactions, which extends its conceptual argument to concrete legal categories: contracts, torts, restitution, negotiable instruments, corporations and taxation. His work shows how the traditional legal doctrines, principles and concepts can be accommodated and qualified within the advancing reality of the digital age and online communications. Sagi holds an SJD degree from the University of Toronto where he was the recipient of the prestigious Joseph-Armand Bombardier and Connaught Doctoral Fellowships. He was also a recipient of the Hauser Global Fellowship at New York University Law School, and of the Connection Grant from the Social Sciences and Humanities Research Council of Canada. One of Sagi's papers received the best paper prize award from the American Society of International Law. Another paper received the best paper prize award from the Corporate Law Teachers Association of Australia, New Zealand and the Asia Pacific region.

CUHK LAW – UNCITRAL Asia Pacific Days 2023 Joint Event – ‘Digital Pathways: Innovations in Cross-Border Trade’, 7 November 2023



In the dynamic landscape of today’s global economy, digital advancements are reshaping how nations trade and invest. The integration of technology into traditional economic systems has unlocked new pathways, but also poses novel challenges and questions that require insightful discourse.

We are delighted to present this event in collaboration with UNCITRAL, focusing on the transformative role of technology in cross-border trade and investment. Our keynote speaker and esteemed panel of speakers will delve deep into the intricacies of cross-border digital data, exploring the growing influence of fintech, and analyzing the evolving interplay of technology within the international trade and investment law framework.

About the Speakers:

Keynote Speaker:

Ms. Anna Joubin-Bret, Secretary, The United Nations Commission on International Trade Law (UNCITRAL)

Speakers:

Prof. Bryan Mercurio, Simon F.S. Li Professor of Law, CUHK LAW

Ms. Olga Boltenko, Partner and Adjunct Associate Professor, Fangda Partners and The

University of Hong Kong

Prof. Douglas Arner, Kerry Holdings Professor in Law & RGC Senior Research Fellow in Digital Finance & Sustainable Development, University of Hong Kong

Ms. Athita Komindr, Head, UNCITRAL Regional Centre for Asia and the Pacific

Moderator:

Dr. Shixue Hu, Assistant Professor, CUHK LAW

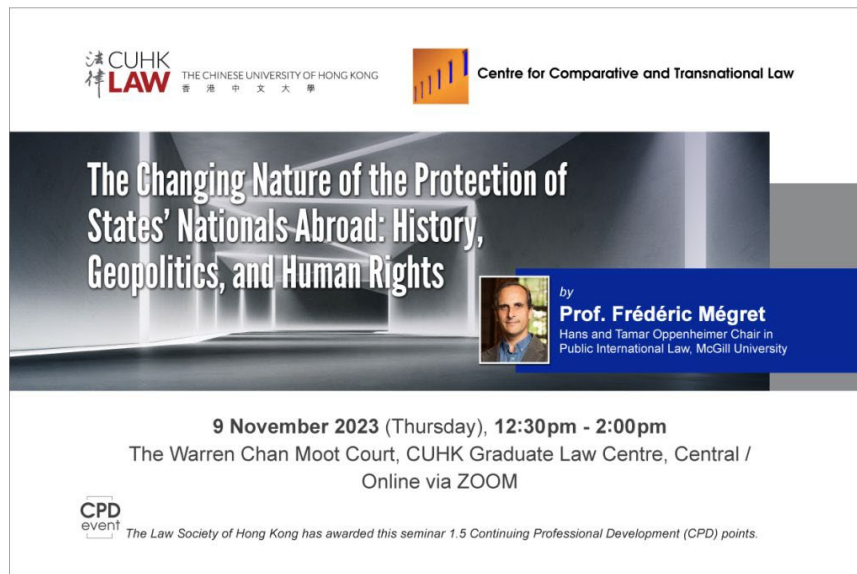
Opening Remarks:

Prof. Anatole Boute, Professor and Executive Director of CCTL, CUHK LAW

Closing Remarks:

Prof. Yueming Yan, Assistant Professor, CUHK LAW

CCTL Seminar – ‘The Changing Nature of the Protection of States’ Nationals Abroad: History, Geopolitics, and Human Rights’ by Prof. Frédéric Mégret, 9 November 2023



The poster features the CUHK LAW and Centre for Comparative and Transnational Law logos at the top. The title 'The Changing Nature of the Protection of States' Nationals Abroad: History, Geopolitics, and Human Rights' is prominently displayed in the center. Below the title is a small portrait of Prof. Frédéric Mégret. The date and time '9 November 2023 (Thursday), 12:30pm - 2:00pm' are listed, along with the location 'The Warren Chan Moot Court, CUHK Graduate Law Centre, Central / Online via ZOOM'. At the bottom, a CPD event logo indicates that the seminar is awarded 1.5 Continuing Professional Development (CPD) points by The Law Society of Hong Kong.

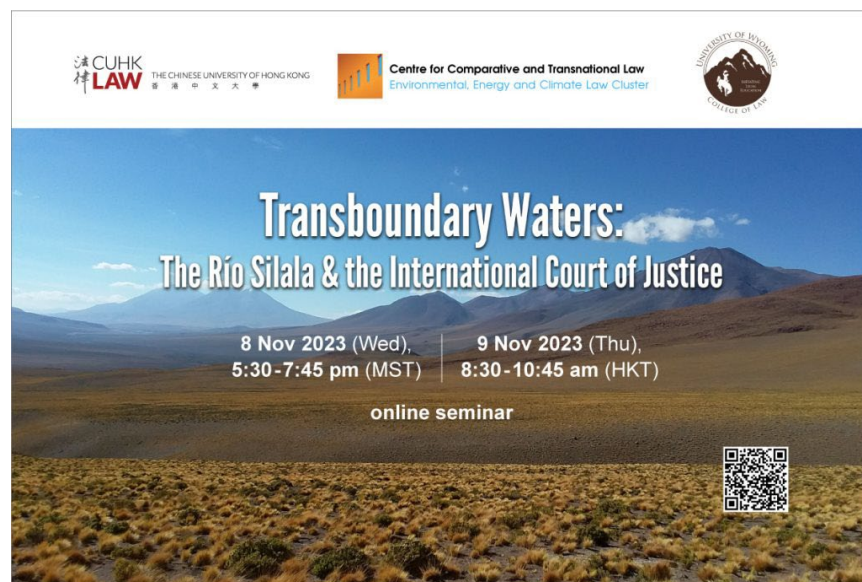
The protection of nationals abroad was long a central theme of imperial history, notably as part of a now strongly rejected legacy of gunboat diplomacy. But that practice has undergone significant changes in the last decades as states from the Global South increasingly flex their muscle in protecting their migrant workers and diasporas. The question is whether the protection of nationals abroad is a tradition one would want to rehabilitate, and what it would mean to do so in a world

where territory and population hardly always coincide and where the protection of “ethnic kin” can occasionally be used to fuel violence.

About the Speaker:

Frédéric Mégret is Hans and Tamar Oppenheimer Chair in Public International Law at McGill University. He held the Canada Research Chair on the Law of Human Rights and Legal Pluralism from 2006 to 2015. He was promoted to full professor in 2019. He was named co-director of the Centre for Human Rights and Legal Pluralism in 2021. In November 2022, Professor Mégret received an honorary doctorate from the University of Copenhagen in recognition of his work in international law.

CCTL Environmental, Energy and Climate Law Cluster Joint Seminar – ‘Transboundary Waters: The Río Silala & the International Court of Justice’ (Online), 9 November 2023



Nearly one year ago, on December 1, 2022, the International Court of Justice (ICJ) released its most recent transboundary waters decision, *Chile v. Bolivia*, addressing the status of the Silala River and the countries’ legal relations surrounding it under international law. Viewing the case as an important addition to the ICJ’s water law jurisprudence, *Wyoming Law Review* has prepared a special issue on the decision, with a suite of essays contributed by authors from South America, North America, Asia, and Europe. This event will formally launch the *Chile v. Bolivia* special issue in sync with the case’s soon-to-arrive first anniversary. Consisting of a keynote address by Dr. Ximena Fuentes—Chile’s agent in the ICJ proceeding and a Professor of Public International

Law at the University of Chile—as well as a panel discussion among the special issue’s other contributing authors, the event will explore what the ICJ did and did not decide in *Chile v. Bolivia* and how, if at all, the decision is significant not only for the two countries’ legal relations, but for the global community and broader evolution of international water law.

About the Speakers:

Introduction

Dr. Klint Alexander, Dean, College of Law, University of Wyoming

Prof. Lutz-Christian Wolff, Dean, CUHK LAW and Wei Lun Professor of Law

Prof. Noah B. Novogrodsky, Carl M. Williams Professor of Law and Ethics, College of Law, University of Wyoming

Dr. Agnes Chong, Assistant Professor, CUHK LAW

Keynote

Dr. Ximena Fuentes, Agent, Counsel and Advocate for the Republic of Chile in ICJ *Chile v. Bolivia* and Professor of Public International Law, University of Chile

Dr. Ximena Fuentes is a Professor of Public International Law at the University of Chile where she has held an appointment since 2000. Professor Fuentes took a leave from her academic duties to serve as the Vice-Minister of Foreign Affairs in the government of President Gabriel Boric from early 2022 until March 2023. Between 2015 and 2022, Professor Fuentes was the National Director of Difrol in the Chilean Ministry of Foreign Affairs – a position she held under both Presidents Bachelet and Piñera – and she was the agent for the Republic of Chile in *Chile v. Bolivia*, the case concerning the Rio Silala before the International Court of Justice.

A graduate of the University of Chile and Oxford University, where her Phd. dissertation was titled, “The Criteria of Equitable Utilization of International Watercourses in General International Law,” Dr. Fuentes has been a past professor in the faculty of law at the University of Talca and Adolfo Ibañez University.

Panel Discussion

Chair:

Ms. Hannah Mink, Editor-in-Chief, Wyoming Law Review 2022-2023 and Associate, Sherman & Howard

Panellists:

Dr. Agnes Chong, Assistant Professor, CUHK LAW

Prof. Joseph Dellapenna, Visiting Professor, Beijing University School of Transnational Law

Dr. Johanna Klein Kranenberg, Chilean Ministry of Foreign Affairs

Prof. Jason Robison, Carl M. Williams Professor of Law & Social Responsibility, College of Law, University of Wyoming

Ms. Zoe Rosenblum, PhD Candidate, Oregon State University

Prof. Christopher R. Rossi, Professor of International Law and International Relations, University of Tromsø and the Arctic University of Norway

Concluding Remarks

Dr. Ximena Fuentes, Agent, Counsel and Advocate for the Republic of Chile in ICJ Chile v. Bolivia and Professor of Public International Law, University of Chile

Dr. Agnes Chong, Assistant Professor, CUHK LAW

CCTL Comparative Public Law Research Forum Seminar – ‘American Law in the New Global Conflict’ by Prof. Mark Jia, 15 November 2023



The poster features the CUHK LAW logo and the Centre for Comparative and Transnational Law logo at the top. The main title 'American Law in the New Global Conflict' is prominently displayed in white text over a background image of a modern building's glass facade. Below the title, a small portrait of Prof. Mark Jia is shown next to his name and title: 'by Prof. Mark Jia, Associate Professor of Law, Georgetown University Law Center'. The event details are listed at the bottom: '15 November 2023 (Wednesday), 7:00pm - 8:00pm' and 'The Warren Chan Moot Court, CUHK Graduate Law Centre, 2/F Bank of America Tower, Central'. A QR code is located in the bottom right corner.

This talk, based on a forthcoming article in the *NYU Law Review*, will broadly assess how a deepening rivalry between the United States and China is shaping the American legal system. It will argue that the new global conflict is reproducing, in attenuated form, the same politics of threat that has driven wartime legal development for much of American history. The result is that American law is reprising familiar patterns and pathologies. There has been a diminishment in rights among groups with imputed connections to a geopolitical adversary. But there has also been a modest expansion in rights where affected constituencies have linked desired reforms with geopolitical goals. Institutionally, the new global conflict has at times fostered executive overreach

and increased interbranch and interparty consensus. Legal-culturally, it has evinced a decline in legal rationality resulting from the return of familiar ideological and nationalistic frames. Although these developments do not rival in magnitude the excesses of America's wartime past, they evoke that past and may, over time, replay it. The talk will provide a framework for understanding legal developments in this new era, contribute to our understanding of rights and structure in periods of conflict, and offer some tentative reflections on what comes next in the new global conflict, and how best to shape it.

About the Speaker:

Mark Jia is Associate Professor of Law at the Georgetown University Law Center. He specializes in comparative and transnational law, with particular interest in the United States and China. His articles have been or will be published in the *University of Chicago Law Review*, the *New York University Law Review*, and the *University of Pennsylvania Law Review*, among other journals. He served as a law clerk to Justice David Souter and Justice Ruth Bader Ginsburg of the U.S. Supreme Court, and Judge William Fletcher of the U.S. Court of Appeals for the Ninth Circuit. Mark is a graduate of Princeton, Oxford, where he studied as a Rhodes Scholar, and Harvard Law School, where he was Articles Co-Chair of the *Harvard Law Review*.

CCTL Obligations Lab Asia Seminar – 'A New Dawn on the (Tort) Horizon? Examining How Negligence and Nuisance Can Enable Access to Compensation for Climate-Related Harms in Australia' (Online), 17 November 2023



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Centre for Comparative and Transnational Law
Obligations Lab Asia

A New Dawn on the (Tort) Horizon?

Examining How Negligence and Nuisance Can Enable Access to Compensation for Climate-Related Harms in Australia

Speakers:

- Dr. Tina Popa**
Senior Lecturer, Graduate School of Business & Law, RMIT University
- Dr. Anne Kallies**
Senior Lecturer, Graduate School of Business & Law, RMIT University
- Dr. Vanessa Johnston**
Senior Lecturer, Graduate School of Business & Law, RMIT University
- Dr. Nia Emmanouil**
Acting Senior Legal Officer, Australian Law Reform Commission and an Adjunct Researcher, Graduate School of Business & Law, RMIT University

17 November 2023 (Friday), 1:00pm - 2:00pm
online seminar



Increasingly, the global community is recognising that climate change can cause and contribute to a range of harms and hazards that impact the personal safety and property of vulnerable communities. A plethora of scientific reports have highlighted the need for governments and corporate actors to reduce greenhouse gas emissions to minimise the adverse effects of climate change, and to protect infrastructure and assets from climate change-related damage. In some instances, however, actions that are taken are too little, or too late, to address the existing risk of harm.

Recent case law in Australia and internationally, has highlighted that individuals and communities affected by climate change may be able to use tort law to initiate actions against public and private entities in relation to their actions (or omissions). Tort law, while often seen as being rooted in rigid doctrine, has already been used as a vehicle to ‘test’ potential civil cases about climate change-related harm.

The torts of negligence and private nuisance show great potential as means to claim compensation for change-related harms. While the application of negligence to climate change-related harm has already been tested in the Full Federal Court of Australia’s highly publicised 2022 decision of *Sharma and Others v Minister for the Environment*, the Court held that the Australian government did not owe a duty of care to the applicant on the facts at hand. While untested to date, the tort of private nuisance could provide an alternative avenue for landowners that have suffered harm or interference to their rights.

The law of torts has remarkable potential to adapt to societal needs to respond to climate change risk. This presentation considers how causes of action in tort law, specifically negligence and nuisance, can assist litigants pursuing a claim for compensation for climate change-related harms. The presenters analyse barriers to success, including existing doctrine and policy considerations, to argue that tort law has remarkable flexibility to adapt to the needs of people affected by climate change. However, the full potential for tort law has not yet been tested in Australia and its effects remain to be seen.

About the Speakers:

Dr. Tina Popa is a Senior Lecturer at the Graduate School of Business & Law, RMIT University. Tina’s research and teaching interests are in tort law, health law, psychiatric harm and appropriate dispute resolution. She is the co-author of *Contemporary Australian Tort Law* (Cambridge University Press, 2020) and the General Editor of the *Tort Law Review* (Thomson Reuters). More recently, she has published on contemporary issues relating to tort law liability for the adverse effects of climate change.



Dr. Anne Kallies is a Senior Lecturer at the Graduate School of Business & Law, RMIT University, researching in the areas of energy, environment and climate. The emphasis of Dr Kallies' research is on energy and environmental law, which a special focus on renewable energy and electricity market regulation. Her research draws on her study and work experience in Australia and Germany. She holds a German law degree, as well as a LLM and a PhD, both completed at Melbourne Law School. Dr Kallies has previously worked for the German Federal Environmental Agency and has been an administrator and researcher in the Centre for Resources, Energy and Environmental Law at Melbourne Law School.

Dr. Vanessa Johnston is a Senior Lecturer at the Graduate School of Business & Law, RMIT University, researching in the areas of climate change and environmental law as it relates to planning and land use, property rights and sustainable transport. She has worked on industry projects pertaining to sustainable transport and has published research about on the liability of cyclists and pedestrians in tort law. Dr Johnston has written on climate change and is increasingly researching the intersect between the adverse effects of climate change and tort law.

Dr. Nia Emmanouil is Acting Senior Legal Officer at the Australian Law Reform Commission and an Adjunct Researcher at the Graduate School of Business & Law, RMIT University. She is a highly skilled legal researcher, who has dedicated her 20-year career to the flourishing of minority communities and the natural environment. She recently published on climate change litigation in private nuisance.

CCTL Corporate Law and Governance Cluster Seminar – ‘Ecological Modernisation and the Potential of Regulation: Explaining the Ongoing Problem’ by Prof. Gary Lynch-Wood, 21 November 2023



21 November 2023 (Tuesday), 12:30pm - 2:00pm
 The Warren Chan Moot Court, CUHK Graduate Law Centre,
 2/F Bank of America Tower, Central

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

Emerging in the 1980s as a counter to the deindustrialization view that had prevailed, *ecological modernisation* is a *greening of the economy theory* which suggests that firms, states and markets can work together to stimulate resource-efficient innovation to protect the environment. The role of regulation, whilst always seen as a necessary government activity, has never been fully settled. In trying to advance the regulation debate, this paper focuses on why private enterprises respond to regulation differently and why this becomes a significant regulatory challenge when we factor in the requirements and demands of regulation. This leads to the identification of critical regulatory trade-offs, which when recognised by policy makers, would enable them to better realise the potential of, and barriers to, the process of ecological modernisation.

About the Speaker:

Gary Lynch-Wood is a Senior Lecturer in Law and Regulation at the University of Manchester's Law School, and is currently a Visiting Associate Professor at the City University of Hong Kong. Educated in England, he holds both undergraduate and postgraduate degrees in law. Gary specialises in the field of regulation, and he has published numerous articles on various aspects of the topic in leading journals, including: *Journal of Law and Society*, *Journal of Environmental Law, Regulation & Governance*, *Environmental Politics*, *Journal of Business Ethics*, *Journal of Environmental Planning and Management*, and the *Medical Law Review*. His recent co-authored

book, *The Structure of Regulation*, provides an exploration of the factors that combine to determine the form of regulatory problems, the overall success or failure of regulation, and the trade-offs involved when regulating. Using environmental regulation as a basis for analysis, this book puts forward a theoretical framework for the design of more effective regulation.

CCTL Transnational Legal History Group Seminar – ‘Restored and Rejuvenated: Colonial Rule in Postwar Hong Kong’ by Prof. Lu Yan, 22 November 2023



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Centre for Comparative and Transnational Law
Transnational Legal History Group

**Restored and Rejuvenated:
Colonial Rule in Postwar Hong Kong**

by
Prof. Lu Yan
Professor Emerita,
University of New Hampshire

22 November 2023 (Wednesday), 6:00pm - 7:30pm
Classroom 4, CUHK Graduate Law Centre,
2/F Bank of America Tower, Central

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

Between the two Great Wars, public pressure to end colonialism grew strong worldwide, forcing London to reform its colonial practice throughout the Empire. In Hong Kong, the local population witnessed the collapse of British rule early in WWII, and no longer took colonial rule for granted. Confronting the widespread expression of national pride among Hong Kong Chinese at the end of the war, Britain had to fight an uphill battle to restore the colonial rule. This presentation draws on Professor Lu's recent book, *Crossed Paths: Labor Activism and Colonial Governance in Hong Kong, 1938-1958*, to show how the colonial state succeeded in rejuvenating British rule in postwar Hong Kong by means of force and law.

About the Speaker:

Lu Yan is Professor Emerita at the University of New Hampshire, where she taught from 1996 to 2021. Her research focused on histories of transnational and cross-cultural interactions.

CCTL Comparative Public Law Research Forum Seminar – ‘From Cosmopolitan to Self-Preservation: Courts and LGBTQ Rights in the 21st Century’ by Prof. Rehan Abeyratne (Online), 24 November 2023



Around the world, liberal constitutionalism faces a crisis in confidence and, in some cases, an institutional crisis too. Courts have been captured or side-lined, limiting their independence and exercise of judicial review. Even where courts have not been entirely neutered, public and scholarly confidence in them has declined and the project of global constitutionalism – in which courts played a leading role – is now marginalized. Yet, courts have continued to take centre-stage and issue progressive judgments in one area: the rights of LGBTQ persons. Courts have, *inter alia*, struck down bans on same-sex relations, and recognized various rights of same-sex couples, including marriage. Why are these rights exceptional? And what explains such progressive judgments in the broader context of judicial regression? This seminar explores these questions through the LGBTQ rights jurisprudence of the United States, India, and Hong Kong.

About the Speaker:

Rehan Abeyratne is Professor and Associate Dean (HDR) at Western Sydney University (WSU) School of Law. His primary research area is comparative constitutionalism, with a regional focus on Asia. He is working on a book titled *From Cosmopolitan to Self-Preservation: Courts and LGBTQ Rights in the 21st Century* (forthcoming with Oxford University Press). Prior to joining WSU, Professor Abeyratne was on the CUHK LAW faculty for six years and served as Executive Director of the Centre for Comparative and Transnational Law from 2020-22.

CCTL Obligations Lab Asia Seminar – ‘Good Faith and Relational Contracts: Theory, Practice and Future Developments’ by Prof. Anthony Gray (Online), 1 December 2023



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Centre for Comparative and Transnational Law
Obligations Lab Asia

**Good Faith and Relational Contracts:
Theory, Practice and Future Developments**

by
Prof. Anthony Gray
Professor of Law,
University of Southern Queensland

1 December 2023 (Friday), 5:00pm - 6:00pm
online seminar

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

The common law world continues to grapple with the possible use of a good faith doctrine in the contractual context. While it has been accepted in Canada, and has been part of American commercial law for many years, there is limited and tentative support in the United Kingdom and Australia. This presentation argues that good faith has a lengthy tradition in the common law, such that ‘hostility’ (as one judge aptly put it) towards the concept in the common law is misplaced. Many current doctrines in the common law reflect an underlying concern with behaviour that would likely breach a good faith requirement. As others have pointed out, the common law response to these types of issues is piecemeal and somewhat unsatisfactory. This presentation argues the traditional common law reluctance here is misplaced. A relational view of contract would provide intellectual support for a nuanced change in the law to recognise good faith as a general organising principle of the common law. The presentation will consider some specific legal issues that would benefit from a good faith approach. The presentation is based on the speaker’s forthcoming monograph *Good Faith and Relational Contracts: Theory, Practice and Future Developments* (Hart Publishing, 2024).

About the Speaker:

Professor Anthony Gray is a Professor of Law at the University of Southern Queensland. He has sole-authored approximately 150 research articles in his academic career to date, many in top quality journals such as the *University of New South Wales Law Journal*, *Federal Law*

Review, Monash University Law Review, Sydney Law Review and Public Law Review. He has published in quality research outlets in the United Kingdom, Canada and the United States. His monographs include *Vicarious Liability: Critique and Reform* (Hart Publishing, 2018) and *The Evolution from Strict Liability to Fault in the Law of Torts* (Hart Publishing, 2021). He delivered short courses in Contract Management for Engineering Education Australia from 2000-2012.

CCTL Environmental, Energy and Climate Law Cluster Seminar – ‘Reciprocity and the Law of International Watercourses: An Analysis of China’s Transboundary Water Treaty Practice’ by Dr. David J Devlaeminck (Online), 15 January 2024




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

**Reciprocity and the Law of International Watercourses:
An Analysis of China's Transboundary Water Treaty Practice**

by
Dr. David J Devlaeminck
Associate Professor, School of Law
Chongqing University, China

15 January 2024 (Monday), 12:30pm - 1:30pm
online seminar

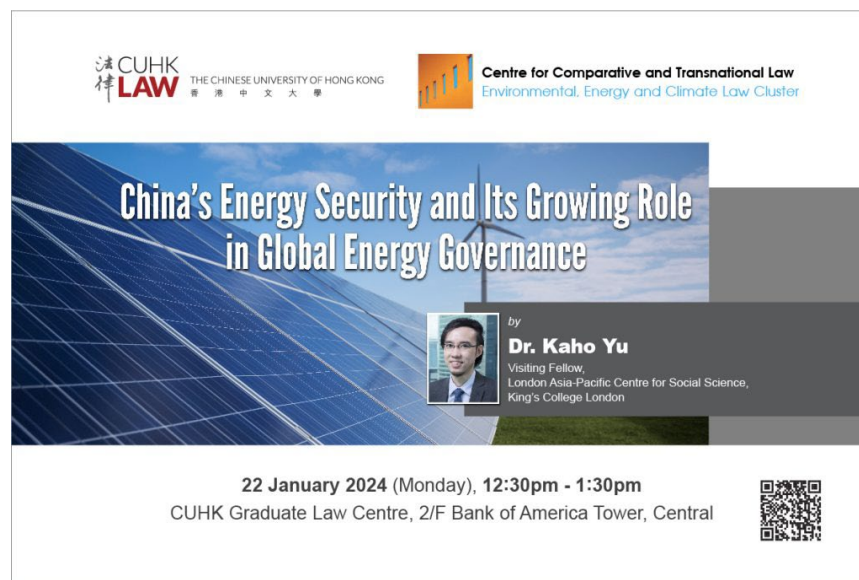


China is arguably one of the most important riparian States in the world, sharing numerous transboundary water resources with its 14 immediate neighbouring States and three States further downstream. Transboundary water resources are governed under international law which has been codified and progressively developed through two global water conventions: the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the 1997 Convention on the Law of the Non-navigational Uses of International Watercourses. China is not party to either of these conventions, instead governing its transboundary waters through a series of agreements and non-binding instruments. As a legal principle, reciprocity plays a strong role, assisting in the distribution of rights and duties, providing a sense of fairness. This seminar seeks to explore the law of international watercourses and China’s transboundary water treaty through the lens of reciprocity, offering insight into the approach of this important riparian State.

About the Speaker:

Dr. David J Devlaeminck is Associate Professor at the School of Law, Chongqing University in Chongqing, China. He obtained a PhD at Xiamen University in 2018. In Chongqing, David conducts teaching and research in international environmental law, with a particularly focus on transboundary water resources in Asia. He has published widely on the subject, including his monograph, *Reciprocity and China's Transboundary Waters: The Law of International Watercourses* (Routledge 2021). He is a Founding Affiliate of the International Water Law Academy, Wuhan University (China), a member of the American Society of International Law and the International Water Resources Association. He is also editorial board member for the *Review of European, Comparative and International Environmental Law (RECIEL)* and for the Springer book series *Water Security in a New World*.

CCTL Environmental, Energy and Climate Law Cluster Seminar – 'China's Energy Security and Its Growing Role in Global Energy Governance' by Dr. Kaho Yu, 22 January 2024




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

**China's Energy Security and Its Growing Role
in Global Energy Governance**

by
Dr. Kaho Yu
Visiting Fellow,
London Asia-Pacific Centre for Social Science,
King's College London

22 January 2024 (Monday), 12:30pm - 1:30pm
CUHK Graduate Law Centre, 2/F Bank of America Tower, Central



China's increasing influence in global energy governance has become a prominent discussion topic in international relations and energy studies. How could China's international energy cooperation and investments reshape global governance? What are the policy implications for other governments? What does it mean for global energy transition? And what are the broader geopolitical consequences? It is important to understand China's energy policy and international cooperation strategy, particularly its growing role in global governance as a way to achieve its energy security and transition goals. This topic demands a multi-disciplinary lens to unpack the complex interlinkage of China's energy security, climate agenda, economic policy and diplomacy.

This seminar offers an empirical perspective of China's energy strategies over the last three decades, highlighting its evolution from a bilateral going-out strategy to a more multilateral approach embodied in the Belt and Road Initiative.

About the Speaker:

Dr. Kaho Yu is a Visiting Fellow at the London Asia-Pacific Centre for Social Science at King's College London. His research focuses on energy transition, carbon policy and critical mineral security in the Asia Pacific and their implications for policymakers and businesses. He has worked in think tanks, multinational companies, and academia across China, the US, and the Asia-Pacific region.

Kaho also serves as the Head of Energy Research at the Singapore branch of a global risk consultancy and the Chief Research Officer at the Asia Carbon Institute. Prior to this, he was an associate of the Energy Geopolitics Program at the Harvard Kennedy School, a lecturer in global studies at the Chinese University of Hong Kong, and a research fellow at Renmin University in Beijing. Kaho holds a PhD in International Political Economy from King's College London.

CCTL Environmental, Energy and Climate Law Cluster Seminar – 'Model Joint Operating Agreements in the Energy Industry — Key Changes in the 2023 AIEN Model International Joint Operating Agreement' by Prof. Paul Deemer, 23 January 2024



The poster features the CUHK LAW logo at the top left and the Centre for Comparative and Transnational Law logo at the top right. The main title is 'Model Joint Operating Agreements in the Energy Industry – Key Changes in the 2023 AIEN Model International Joint Operating Agreement'. Below the title is a photo of Prof. Paul Deemer, a retired partner in residence at Vinson & Elkins. The event details are listed at the bottom: 23 January 2024 (Tuesday), 12:30pm - 2:00pm, at the CUHK Graduate Law Centre, 2/F Bank of America Tower, Central, and online via ZOOM. A QR code is located in the bottom right corner.

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

**Model Joint Operating Agreements in the Energy Industry –
Key Changes in the 2023 AIEN Model International Joint Operating Agreement**

by
Prof. Paul Deemer
Retired Partner in Residence
Vinson & Elkins

23 January 2024 (Tuesday), 12:30pm - 2:00pm
CUHK Graduate Law Centre, 2/F Bank of America Tower, Central /
online via ZOOM



In February 2023, the Association of International Energy Negotiators (“AIEN”) published the latest version of its Model International Joint Operating Agreement. Four years in the making, the 2023 JOA has been designed to update the 2012 Model International Joint Operating Agreement, which has been widely accepted and used as the standard form joint operating agreement in the international petroleum industry over the last decade, with developments in law, industry practice and key geopolitical events. This includes addressing the transformation in the industry’s approach to the threat of climate change.

Prof. Paul Deemer served as Co-Chair of the AIEN JOA Drafting Committee which revised the 2012 JOA to address the key areas identified by the AIEN membership: decommissioning, economic sanctions, anti-bribery and corruption, human rights, default, and provisions focusing on greenhouse gas emissions. The revision process coincided with key events that profoundly impacted the global community, notably the COVID-19 pandemic and the conflict in Ukraine. Mindful of the impact that these events and the challenges of climate change would have on the industry for years to come, the Drafting Committee sought to ensure the 2023 JOA is able to rise to these new global challenges.

Prof. Deemer will explain the function and importance of Joint Operating Agreements in the international energy industry, and he will discuss the rationale behind the changes to the AIEN JOA, the main differences from the previous version, and the implications for current and future projects. This is a unique opportunity to learn from one of the leading experts in this area and to engage with him in a Q&A session.

About the Speaker:

Paul Deemer is a Retired Partner in Residence at Vinson & Elkins law firm. Paul practiced with V&E for more than 40 years, most recently in the Energy Transactions and Projects area in the firm’s London Office, before retiring from the partnership at the end of 2018.

His experience includes international mergers and acquisitions, and the development and financing of international energy projects. He has worked extensively on international oil and gas projects, including the acquisition and disposal of oil and gas assets (and companies owning those assets), cross-border oil and gas pipeline projects, and LNG and electric power projects in Europe, Asia, the FSU, and the Middle East. He has also worked on renewable energy projects, including wind, hydroelectric, geothermal and other renewable energy sources. Paul has worked on projects in China since the early 1990s, and has broad experience with Chinese oil, natural gas, and electricity projects. He has represented major international clients, including multilateral lenders, in the development and financing of energy projects in China, Russia, and other countries.

Paul was based in China from 1997 to 1999, and from 2002 to 2013, and in Vinson & Elkins' London, Moscow and Singapore offices for 18 years prior to that. He is an Adjunct Professor of Law at Vanderbilt University Law School in Nashville, USA, and a Visiting Professor at the Centre for Commercial Law Studies at Queen Mary University of London. Paul is currently teaching a course in Project Finance and Infrastructure Law at the Chinese University of Hong Kong.

CCTL Environmental, Energy and Climate Law Cluster Seminar – 'China's Policies and Regulatory Strategies for Hydrogen Development' by Dr. Xiaohan Gong (Online), 26 January 2024



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

**China's Policies and Regulatory Strategies
for Hydrogen Development**

by
Dr. Xiaohan Gong
Research Institute for Sustainability
(Helmholtz Center, Potsdam)

26 January 2024 (Friday), 12:00pm - 1:00pm
online seminar

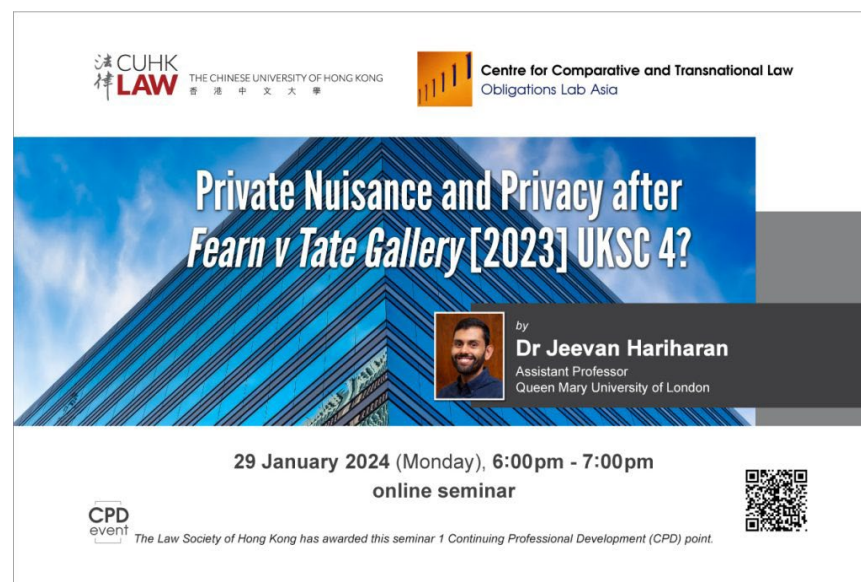


Hydrogen has increasingly become an important part of global energy transition strategies. As China has been a crucial player in promoting renewable energy development, the development of its hydrogen sector has potential significant implications for global energy transition. In March 2022, the Chinese government launched its first comprehensive strategy for promoting its hydrogen development. Simultaneously, local governments have been crucial players at the early stage of developing hydrogen in China, enabling the central government to 'test the waters' in the hydrogen sector. This talk will introduce China's hydrogen-related policy objectives, explore what policy and regulatory support the central government and local governments have granted to advance hydrogen development, and discuss remaining regulatory challenges of developing hydrogen in China.

About the Speaker:

Dr. Xiaohan Gong is currently working with Research Institute for Sustainability (Helmholtz Center, Potsdam), and will work as an OIES-Aramco Fellow at the Oxford Institute for Energy studies starting from January 2024. She obtained a PhD degree at CUHK in 2021. Her main research interests are energy law and investment law. She acts as an academic peer reviewer for journals in energy law and policy.

CCTL Obligations Lab Asia Seminar – ‘Private Nuisance and Privacy after Fearn v Tate Gallery [2023] UKSC 4’ by Dr. Jeevan Hariharan (Online), 29 January 2024



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Centre for Comparative and Transnational Law
Obligations Lab Asia

**Private Nuisance and Privacy after
Fearn v Tate Gallery [2023] UKSC 4?**

by
Dr Jeevan Hariharan
Assistant Professor
Queen Mary University of London

29 January 2024 (Monday), 6:00pm - 7:00pm
online seminar

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

Fearn v Board of Trustees of the Tate Gallery [2023] UKSC 4 is a landmark decision in English private law. The UK Supreme Court unanimously held that visual intrusions are in principle actionable under the tort of private nuisance. On the facts, which generated a remarkable level of attention in both legal circles and wider discourse, a narrow 3:2 majority found that the Tate Modern was liable for the operation of its viewing gallery where the public could see into the claimants' flats. This presentation discusses the *Fearn* decision and its wider implications. In particular, the presentation will explore the Court's decentring of the concept of 'physical interference' in the law of private nuisance and highlight what the case means going forward for the protection of personal privacy.

About the Speaker:

Dr Jeevan Hariharan is a Lecturer (Assistant Professor) in Private Law at Queen Mary University of London. Jeevan's core research focuses on privacy, tort law, moral philosophy and intellectual

property. Beyond this, he has research interests in all areas of private law and media law, particularly remedies and the intersection between private law and fundamental rights. Jeevan completed his PhD at UCL, supported by a Faculty of Laws Research Scholarship, on the protection of ‘physical privacy’ under English law. He holds BA (First Class) and LLB degrees from the University of Sydney, where he was awarded the University Medal in Philosophy. He also has an LLM (First Class) from the University of Cambridge, where he was the recipient of the Lucas-Smith Memorial Prize for the top law student at Queens’ College and a Foundation Scholarship.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘Parallel Proceedings between International Commercial Litigation and Arbitration’ by Dr. Guangjian Tu (Online), 30 January 2024



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Centre for Comparative and Transnational Law
Private International Law Group

CROSS-BORDER LEGAL ISSUES
DIALOGUE Seminar Series

**Parallel Proceedings between
International Commercial
Litigation and Arbitration**

by
Dr. Guangjian Tu
Professor,
Faculty of Law, University of Macau

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

30 January 2024 (Tuesday), 12:30pm - 2:00pm
online seminar



Parallel proceedings in international commercial litigation between the courts of different countries have long been discussed and explored, for which the Brussels I Regulation in the EU provides a good model for solution although it is still a problem at the global level and an obstacle for the Hague Jurisdiction Project. However, it seems that so far no enough attention has been paid to the problem of parallel proceedings between international commercial litigation and arbitration. Theoretically, parties’ consent to arbitration will exclude the jurisdiction of states’ courts by virtue of the rules set out in Article 2 of the New York Convention altogether. But the Convention fails to successfully eradicate parallel proceedings between arbitral tribunals and state courts, owing to its inherent defects. When a conflict arises between international commercial arbitration and litigation proceedings, a rational balance must be struck between the judiciary and the arbitral

tribunal with a reasonable division of competence between the two bodies. Different from parallel proceedings between two courts of different countries where usually both have jurisdiction and the question is only who should decide first, the jurisdiction of a national court and that of an arbitral tribunal excludes each other; similar to them, the problems with the former will also happen to the latter. Shall one always give “priority” to the arbitral tribunal to decide i.e. the issue of validity of the arbitration agreement for the purpose of respecting the doctrine of competence/competence? Can a simple *lis pendens* rule like that under the Brussels I Regulation work i.e. a national court or arbitral tribunal whoever is seized earlier shall decide when the issue of the validity of arbitration agreement is raised as a preliminary question in the national court? This presentation will try to explore an ideal model for the solution to this problem.

About the Speaker:

Dr. Guangjian Tu is currently a Full Professor of Law, University of Macau, a life member of Clare Hall (Cambridge University), an elected associate member of the International Academy of Comparative Law and a Standing Member of the Chinese Society of Private International Law and also a Standing Member of the Association of Great China Judicial Studies. He is an editor for Chinese Journal of International Law and the global blog of www.conflictoflaws.net and regularly invited to review papers by international journals. He formally started his academic career at the University of Macau in September 2007. Since then, he has been teaching and researching in the field of Private International Law, especially Chinese inter-regional conflict of laws. So far, he has published three monographs and tens of academic articles in widely-circulated international journals and the core Mainland China academic journals.

CCTL Transnational Economic Law and Dispute Settlement Group Seminar – ‘Cross-border Insolvency between the Mainland and Hong Kong’ by Dr. Shuai Guo (Online), 27 February 2024



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Centre for Comparative and Transnational Law
Transnational Economic Law and
Dispute Settlement Group

**Cross-border Insolvency between
the Mainland and Hong Kong**

by
Dr. Shuai Guo
Assistant Professor, School of International Law,
China University of Political Science and Law

27 February 2024 (Tuesday), 5:00pm - 6:00pm
online seminar

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




This seminar intends to elucidate the recently established Chinese Mainland–Hong Kong cross-border insolvency cooperation arrangement. The pivotal Record of Meeting reached in May 2021 between the Supreme People’s Court of the People’s Republic of China and the Government of the Hong Kong Special Administrative Region marks a significant step towards mutual recognition in cross-border insolvency cases, laying down the bedrock for future cooperation. However, it is important to note that the new arrangement is still in a preliminary stage, presenting both opportunities and challenges. This seminar endeavors to offer a comprehensive explanation of the primary features of the emerging framework. It takes into consideration recent cross-border insolvency cases in both the Mainland and Hong Kong, providing insights into the practical implications, as well as strategic approaches to effectively address the current obstacles to this evolving cooperation.

About the Speaker:

Dr Shuai Guo is Assistant Professor at the School of International Law, China University of Political Science and Law in Beijing, China. Currently, he is based in Rome, Italy as an consultant at the International Institute for the Unification of Private Laws (UNIDROIT). He holds a doctoral degree from Leiden University in the Netherlands. He was a visiting scholar at the University of Texas at Austin in the United States and a consultant to the United Nations Conference on Trade

and Development in Geneva, Switzerland. He is the author of four books, with the most recent one being Recognition of Foreign Bank Resolution Actions (Edward Elgar 2022). He published in leading international journals such as International Insolvency Review, Asia Pacific Law Review, International Corporate Rescue, Norton Journal of Bankruptcy Law and Practice, etc. He sits on the board of several international associations such as International Insolvency Institute Academic Committee and INSOL International Early Researcher Academics. In 2022, he was recognised in the Global Restructuring Review 40 Under 40.

CCTL Corporate Law and Governance Cluster Seminar – ‘An Introduction to Hong Kong Regulatory Framework’ by Ms. Candy Au, 29 February 2024



The poster features the CUHK LAW logo and the Centre for Comparative and Transnational Law logo at the top. The main title is 'An Introduction to Hong Kong Regulatory Framework' in large white text over a background image of a modern building at night. Below the title is a small portrait of Ms. Candy Au, followed by her name and title: 'Regulatory Litigator, Linklaters and King & Wood Mallesons, Judicial Assistant, Court of Final Appeal'. At the bottom, the date and time are listed: '29 February 2024 (Thursday), 6:00pm - 7:00pm', and the location: 'CUHK Graduate Law Centre, 2/F Bank of America Tower, Central'. A QR code is located in the bottom right corner.

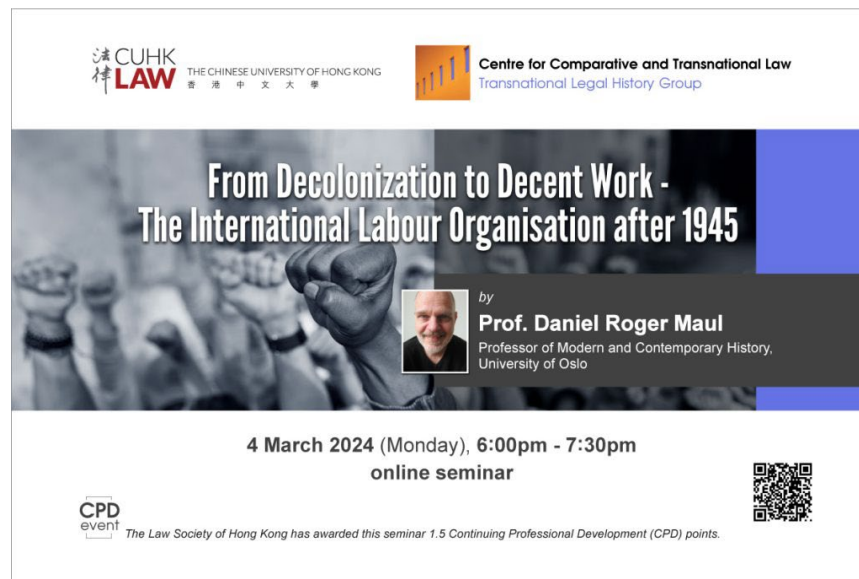
In this seminar, you will learn about Hong Kong’s regulatory structure with a focus on the Securities and Futures Commission (SFC) and the Hong Kong Exchanges and Clearing Limited (HKEX), and how they discharge their responsibilities and functions through the relevant legislations and rules. If you are interested in joining a regulator, or working as a corporate lawyer or a litigator, you will benefit from having a basic understanding of the Hong Kong regulatory landscape.

About the Speaker:

Upon graduating from the CUHK LLB Programme in 2011, Candy worked at global law firms Linklaters and King & Wood Mallesons as a regulatory litigator, as well as the Court of Final Appeal as a Judicial Assistant. Candy was an in-house counsel at the Securities and Futures

Commission's (SFC) litigation team before joining the Hong Kong Exchanges (HKEX) and Clearing Limited's Listing Division.

CCTL Transnational Legal History Group Seminar – 'From Decolonization to Decent Work – The International Labour Organisation after 1945' by Prof. Daniel Roger Maul (Online), 4 March 2024



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Centre for Comparative and Transnational Law
Transnational Legal History Group

**From Decolonization to Decent Work -
The International Labour Organisation after 1945**

by
Prof. Daniel Roger Maul
Professor of Modern and Contemporary History,
University of Oslo

4 March 2024 (Monday), 6:00pm - 7:30pm
online seminar

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



The International Labour Organisation (ILO) reached its centenary in 2019. From its beginnings in Versailles in 1919 to the present, it has developed from an organization primarily dealing with industrial labour in Europe into a global institution occupied with a broad range of aspects affecting the world of work and workers the world over. In this talk Prof. Maul will follow the development of the ILO against the backdrop of key historical conjunctures. He will place special emphasis on how the ILO adapted its core activities and the definition of international labour standards to an ever-changing international environment.

About the Speaker:

Daniel Roger Maul is a Professor of Modern and Contemporary History at the University of Oslo, Norway. His main research interests include questions of global social policy, the history of internationalism and international organizations and humanitarianism. Among his many publications on the history of the International Labour Organisation (ILO) are *Human Rights, Development and Decolonization – The International Labour Organization (ILO) 1940-1970* (Palgrave Macmillan: Basingstoke 2012) and *The International Labour Organization. 100*

Years of Global Social Policy (DeGruyter: Berlin/Boston 2019). His most recent research projects explore the history of workplace democracy, the quality of working life movement and working conditions discourses more generally since the 1970s.

CCTL Tax Law and Policy Forum Joint Seminar – ‘Chinese Companies in Tax Havens’ by Prof. Noam Noked and Prof. Jingyi Wang, 19 March 2024



The poster for the seminar features the CUHK LAW logo and the Centre for Comparative and Transnational Law Tax Law and Policy Forum logo at the top. The main title "Chinese Companies in Tax Havens" is prominently displayed in the center. Below the title, the speakers are listed: Prof. Noam Noked, Associate Professor, CUHK LAW, and Prof. Jingyi Wang, Assistant Professor, CUHK LAW. The event details at the bottom specify the date as 19 March 2024 (Tuesday), 6:00pm - 7:00pm, and the location as The Warren Chan Moot Court, CUHK Graduate Law Centre, Central. A QR code is also present in the bottom right corner.

Alibaba and Baidu are frequently referred to as the “Chinese Amazon” and the “Chinese Google.” However, these companies and many other Chinese multinational enterprises (MNEs) take the position that they are *not* resident enterprises for Chinese tax purposes. This position has afforded these MNEs substantial tax advantages as they can accumulate untaxed profits in tax havens. This seminar will analyze the tax position of such Chinese MNEs from legal, empirical, comparative, and policy perspectives.

The speakers will examine the legal basis of this tax position and the advantages it provides. The speakers will present their analysis of the tax residence positions of the largest 80 Chinese MNEs with tax-haven-incorporated parent companies traded on major U.S. stock exchanges. Speakers’ comparative analysis will show how other large economies implement tax measures to prevent their companies from avoiding taxation in similar situations. The speakers will consider the expected implication of the global minimum tax on Chinese MNEs with tax-haven-incorporated parent companies. They will also explore potential reforms.

This seminar is jointly co-organized by the CCTL Tax Law and Policy Forum and International Fiscal Association – HK Branch.

About the Speakers:

Prof. Noam Noked, Associate Professor, CUHK LAW

Prof. Jingyi Wang, Assistant Professor, CUHK LAW

CCTL Environmental, Energy and Climate Law Cluster Seminar – ‘In Pursuit of a Just Energy Transition through International Unification of Laws on Public-Private Partnership: A Case Study of Central Asia’ by Mr. Shaimerden Chikanayev (Online), 21 March 2024



It is generally recognised that so-called public-private partnership (PPP) plays vital role in promoting private investments in energy infrastructure. In recent years there has been also a growing recognition that PPP can play significant role in enabling so-called “just energy transition”. A “just energy transition” is usually understood as a low-carbon transition that is fair, inclusive and leaves no one behind, whereas PPP is generally understood as a special category of contract, where the State or an entity of the State is the counterparty.

The speaker, Shaimerden Chikanayev argues that the success of the just energy transition worldwide depends on the success of international unification of the PPP legislation and promotion of the new “PPPs for Sustainable Development Goals” (SDGs) concept, that requires not only “value for money”, but also “value for people” and “value for the planet”. In the absence of

universally accepted legal definition of PPP for SDGs and harmonised PPP legislation, therefore, it can be expected that many renewable energy projects that are currently implemented, cannot enable “just energy transition”.

According to the United Nations Economic Commission for Europe (UNECE), sustainable and climate finance needs in Central Asia are considerable, with an estimated 38 billion US dollars per year up to 2030. All five countries of Central Asia have all set off on a journey of energy transition, but each of these countries is taking a path of its own in respect of legal instruments used to attract international investments. During this talk Shaimerden will speak about nuances of legal regulation of renewable energy infrastructure investments in Central Asia as a relevant case study that can give some light on above problem of securing just energy transition through international unification of the PPP legislation.

About the Speaker:

Shaimerden Chikanayev is Partner of GRATA International. Shaimerden is a Kazakh advocate qualified and admitted to the Almaty City Bar since 2003. He has over 15 years of experience as a partner of the largest law firm in Central Asia, GRATA International. Shaimerden is consistently ranked among the top Kazakhstan lawyers in Chambers, Legal 500, Asialaw Profiles, Who's Who Legal and International Financial Law Review (IFLR) for his experience in project finance, public-private partnerships, and energy and infrastructure projects.

Shaimerden has significant practical experience advising international financial institutions, investors, sponsors, developers and government entities on energy and infrastructure transactions in post-Soviet Eurasia, in particular in Kazakhstan, the rest of Central Asia and Caucuses.

Shaimerden has expertise in a wide range of industries including energy, healthcare, utilities and social infrastructure and transportation.

He holds an LLM from the Duke University School of Law and is currently a PhD candidate at CUHK Law.

The 3rd EU-Asia Aviation Law Forum- 'Air Passenger Rights in the EU and Asia' (Online), 28 March 2024



Jointly organized by the CUHK LAW CCTL and the Centre for Commercial Law Studies at 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 3rd EU-Asia Aviation Law Forum will examine the origin and development of air passenger protection regulations. Since 2004, when the European Union adopted EU Regulation 261/2004 dealing with compensation and assistance to passengers who are denied boarding or whose flight is cancelled or significantly delayed, more and more states have adopted passenger protection regulations. Several Asian states are expected to adopt similar regulations in the near future. In this forum, three renowned aviation law experts, namely Prof. Lalin Kovudhikulrungsri, Dr. Antigoni Lykotrafiti and Prof. Jae Woon Lee will discuss this transnational development.

About the Speakers:

Prof. Lalin Kovudhikulrungsri, Assistant professor, Faculty of Law, Thammasat University
Dr. Antigoni Lykotrafiti, Senior Lecturer in Transport, Energy and the Law, Centre for Commercial Law Studies, Queen Mary University of London
Prof. Jae Woon Lee, Associate Professor, CUHK LAW

CCTL Transnational Legal History Group Seminar – ‘Labor Law and Social Crisis in Colonial French West Africa’ by Mr. Wallace Teska (Online), 3 April 2024



The imposition of French colonial rule in West Africa fundamentally transformed local labor regimes. In the first decades of the twentieth century, French settlers established cash-crop plantations, factories, and logging concessions across the region. The success of these enterprises depended on securing cheap labor. To secure an adequate supply of workers, the colonial administration devised a series of legal measures to coerce African men into work for the state and in state-affiliated industry. These measures included the establishment of pro-industry labor tribunals, which frequently punished workers for desertion or unfulfilled contracts, even in the face of horrific working conditions. This talk outlines how French officials developed the new contract labor system in colonial West Africa, with a particular focus on the colony of Côte d'Ivoire (Ivory Coast) between 1890 and 1940. In doing so, it untangles the alliances forged between French capitalists and colonial authorities. It also highlights the dire social and environmental consequences of the shift to migratory contract labor in West African societies.

About the Speaker:

Wallace Teska is a Ph.D. candidate in African History at Stanford University and Andrew W. Mellon Dissertation Fellow at the Stanford Humanities Center. His research explores entangled histories of legal, religious, and environmental change in precolonial and colonial West Africa. Wallace's doctoral work has been supported by, among others, the Max Planck Institute for Legal History and Legal Theory, the American Society for Legal History, and the Fulbright-Hays

Program. His writings have appeared or are forthcoming in multiple publications, including *The Journal of African History*, *African Studies Review*, and *French Historical Studies*.

CCTL Corporate Law and Governance Cluster Seminar – ‘Understanding ESG and its Impacts on Business’ by Ms. Ellie Pang, 9 April 2024



ESG is relevant to all organisations and all individuals, and a major compliance issue for governance professionals. In this session, Chief Executive, Ellie Pang FCG HKFCG(PE) of The Hong Kong Chartered Governance Institute will explain, with examples what is ESG and how it impacts on business.

About the Speaker:

Ms Pang is the Chief Executive of The Hong Kong Chartered Governance Institute (HKCGI). Prior to joining HKCGI, Ms Pang was a senior policy regulator at HKEX which is the frontline regulator for Hong Kong's listed companies. Her main focus was on policy issues concerning corporate boards, having lead projects that overhauled Hong Kong's Corporate Governance Code and Listing Rules and which included initiatives on board diversity and environmental, social and governance (ESG).

Before joining HKEX, Ms Pang was a solicitor at one of the world's largest international law firms. Ms Pang has been a frequent keynote speaker, moderator, and panellist at numerous conferences and seminars on corporate governance, ESG, and other Listing Rule developments including those

organised by HKEX, the HKSAR Government and a number of trade/professional associations including HKCGI.

CCTL Transnational Economic Law and Dispute Settlement Group Seminar – ‘Class Actions in the UK and Ireland. A Tale of Two Common Laws Diverging Post-Brexit’ by Prof. Geraint Howells, 10 April 2024



The poster features the CUHK LAW logo at the top left and the Centre for Comparative and Transnational Law logo at the top right. The main title is 'Class Actions in the UK and Ireland. A Tale of Two Common Laws Diverging Post-Brexit' in large white text over a background image of a coastal cliff. Below the title is a small portrait of Prof. Geraint Howells and his name and title: 'Prof. Geraint Howells, Executive Dean for Business, Public Policy, and Law, University of Galway'. The date and time are '10 April 2024 (Wednesday), 5:00pm - 6:00pm'. The location is 'The Warren Chan Moot Court, CUHK Graduate Law Centre, Central'. At the bottom left is the CPD event logo, and at the bottom right is a note: 'The Law Society of Hong Kong has awarded this seminar 1 Continuing Professional Development (CPD) point.'

The United Kingdom has left the EU and therefore does not need to adopt of Directive (EU) 2020/1828 on representative actions for the protection of the collective interests of consumers. Ireland has a similar legal background and remains part of the EU. Its adoption of the Directive marks one of the first clear divergences between the UK and Ireland and indeed the rest of the EU in the post-Brexit consumer *acquis*. However, the UK has introduced a collective procedure for consumers in competition law that can be opt-out and financed by third party funders. There is burgeoning high profile litigation in this area that encompasses consumer claims involving unfair practices and unfair terms. This can provide interesting insights into how wider consumer class actions might flourish given the right funding conditions and the option of bringing opt-out class actions. Ireland does not yet have the conditions to make it an attractive venue for class actions.

About the Speaker:

Geraint Howells is Executive Dean for Business, Public Policy, and Law at the University of Galway. Previously he was Professor of Commercial Law, at Manchester University, where he remains a visiting professor. He has been Dean of Law at the City University of Hong Kong and

Head of the Law Schools in Manchester and Lancaster. He was called to the bar in 2002 through a special route for distinguished academics and was awarded an LLD in 2014. He is a former President of the International Association of Consumer Law.

CCTL Corporate Law and Governance Cluster Seminar – ‘The Digital Euro from a Private Law Perspective’ by Prof. Rainer Kulms, 11 April 2024



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Centre for Comparative and Transnational Law
Corporate Law and Governance Cluster

The Digital Euro from a Private Law Perspective

by
Prof. Rainer Kulms
Hamburg University, Germany

11 April 2024 (Thursday), 12:45pm - 2:00pm
The Warren Chan Moot Court, CUHK Graduate Law Centre, Central

CPD event
CPD credits are available upon application and subject to accreditation by the Law Society of Hong Kong (currently pending).



In June 2023 the European Commission published its proposal for a Regulation on the establishment of the digital euro. The Commission’s proposal for an account-based digital retail currency reflects concerns about the Euro’s global competitiveness, but it is also designed to frustrate the increasing use of private crypto-currencies. In conferring the status of legal tender on the digital Euro, the Commission intends to promote innovation on retail markets and the digital finance sector by facilitating instant payments and interoperability between payment service providers. In commenting on the Commission’s proposal, the European Central Bank insists on maintaining the stability of the payment system without destabilising the traditional role of commercial banks. Both, the European Commission and the European Central emphasise that digital euro funds are a liability of the central bank. But when it comes to the payment infrastructure and the storage of the digital euro in accounts, users are relegated to private law contracting with a payment services provider or a traditional commercial bank. The seminar will address the private law framework for storing digital euros, paying debt, but also for using the new digital currency for investment purposes. This includes an assessment of the scope of duties owed by a payment services provider for offering an account (and hosting a digital wallet). Moreover, the legal status of the digital euro as an asset in insolvency and tracing scenarios will be explored,

as well as the need for legislative action. The analysis will also highlight where data protection law calls for a recalibration of duties owed by payment service providers and banks.

About the Speaker:

Rainer Kulms is an affiliate of the Max Planck Institute of Comparative and International Private Law (U.S. law department), Lecturer-in-Law at Hamburg University, Germany, Fellow of the European Law Institute and Editor-in-Chief of the *European Business Organization Law Review*. He graduated from Hamburg University (Dr. iuris and Postgraduate Degree of Habilitation), obtained an LL.M. from the University of Michigan, Ann Arbor, and was Visiting Fellow at the University of Cambridge (Wolfson College). After several years in industry he has taught at the universities of Hamburg, Belgrade, Calcutta, Cluj, Jinan, Paris XI, Prague, Sarajevo, Taipei, Tirana, Timisoara and Xi'an and at the China University of Political Science and Law, Beijing, Hong Kong University, City University of Hong Kong and the China-EU School of Law. He has published books and various articles in his field of research (German, European and US Corporate and Commercial Laws, and the law and economics of related regulatory issues) and co-authored books on mediation law, US class actions and private law in Eastern Europe.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘Approach to Service Out: A State of Confusion’ by Mr. Kelvin Tse & Mr. Alex Chan (Online), 12 April 2024



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Centre for Comparative and Transnational Law
Private International Law Group

CROSS-BORDER LEGAL ISSUES
DIALOGUE Seminar Series

**Approach to Service Out:
A State of Confusion**

speakers:

Mr. Kelvin Tse
Pupil Barrister

Mr. Alex Chan
LLB (HK), BCL (Oxon)

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

12 April 2024 (Friday), 12:30pm - 2:00pm
online seminar



Service out of the jurisdiction is an issue that comes up frequently in commercial litigation. It is thus important to ascertain the proper approach in this regard. Conventionally, the applicant in an

application for service out has to satisfy three requirements: (i) there is a serious issue to be tried; (ii) the claim(s) falls within one or more of the gateways; and (iii) the case is a proper one for service out of the jurisdiction (in the case of England, the third requirement is whether England and Wales is the proper place in which to bring the claim). Insofar as England and Hong Kong are concerned, the third requirement has traditionally been understood to be concerned with the principle of *forum conveniens*.

Following two recent UK Supreme Court decisions in the Brownlie litigation, which clarified the scope of the “tort gateway”, the Hong Kong Court of Final Appeal had an opportunity to address the same issue. Whilst endorsing the approach of the majority of the UK Supreme Court to the tort gateway, Lord Collins, in discussing the minority approach, reintroduced the old “letter and spirit rule”, i.e. the case must be clearly within both the letter and spirit of the relevant head of jurisdiction. How does this rule fit into the modern 3-stage framework? Is it too late to revive this rule and bring it back into the game?

This seminar entails a discussion on the modern approach to service out, the tort gateway, and whether the letter and spirit rule ought to be revived and incorporated into the modern approach.

About the Speakers:

Kelvin Tse graduated from the Chinese University of Hong Kong with a JD, ranking first in his cohort. He later obtained his BCL from the University of Oxford. He is the co-author of the note “The Tort Gateway: The Missing Jigsaw Piece?” [2023] LMCLQ 211, which involves discussions and comments on the recent decision of the Hong Kong Court of Final Appeal in *Fong Chak Kwan v Ascentic Ltd* (2022) 25 HKCFAR 135. He also previously authored an article published in the *Conveyancer and Property Lawyer* on proprietary estoppel and statutory formalities ((2021) 85 Conv. 365). Kelvin is currently a pupil barrister in Hong Kong.

Alex Chan graduated from the University of Hong Kong with a first-class LLB, having received a string of academic prizes including the Betty Ho Prize for best performance, and the subject prizes for Equity & Trusts and Guided Research (later published [2021] T & T 725). He went on to obtain a distinction in the BCL from the University of Oxford, winning another subject prize in Dissertation. He is the co-author of the note “The Tort Gateway: The Missing Jigsaw Piece?” [2023] LMCLQ 211. Alex is due to commence pupillage in 2024 at Temple Chambers, Hong Kong.

CCTL Seminar – ‘The Place and Development of Turkic States in International Arbitration’ by Dr. Can Eken (Online), 13 May 2024



The poster features the CUHK LAW logo at the top left and the Centre for Comparative and Transnational Law logo at the top right. The main title is 'The Place and Development of Turkic States in International Arbitration' in white text on a blue background. Below the title is a photo of Dr. Can Eken and his name. The date and time are '13 May 2024 (Monday), 4:30pm - 5:45pm' and the format is 'online seminar'. A QR code is on the right. At the bottom left is the CPD event logo and text: 'The Law Society of Hong Kong has awarded this seminar 1 Continuing Professional Development (CPD) point.'

International arbitration is a dispute resolution method frequently used in cross-border disputes. Apart from traditional and important seats in international arbitration, other jurisdictions started being active in the arbitration area. This article focuses on international arbitration developments in Turkic countries. Turkic countries use arbitration increasingly. They have signed many investment treaties and updated their laws, which enable arbitration to be used against them as well as investors and companies from Turkic countries to use international commercial and investment arbitration against other companies and states where they invest. We also see arbitration centres that have become active recently in Turkic countries. The Organization of Turkic countries was established with the 2009 Nakhchivan Agreement dated October 3, 2009. This article examines the developments in international arbitration of 5 current members of the Organization of Turkic countries, namely, Azerbaijan, Turkiye, Kyrgyzstan, Kazakhstan and Uzbekistan. Additionally, the steps to be taken to ensure that these jurisdictions have a better place in international arbitration are also evaluated in this article.

About the Speaker:

Dr Eken is an assistant professor at Durham Law School and deputy director of the Durham International Dispute Resolution Institute. He is also a co-director of the Master of Laws (LLM) programmes at Durham Law School. He researches and gives consultancy to law firms mainly on international commercial arbitration, investment law, contracts, third-party funding, commercial

mediation and other alternative dispute resolution (ADR) methods. He is an award-winning international legal scholar. He is a triple-qualified attorney, admitted to practice law in England and Wales as a solicitor, an Attorney and Counselor at the Law in California, and Turkiye (formerly Turkey); and a fellow of the Chartered Institute of Arbitrators (CIARB). He holds two LLM degrees, one from the London School of Economics and Political Science (LSE) and another from Dokuz Eylül University, where he also obtained his bachelor's degree in law with a high honour degree. He studied his PhD degree in Laws at the Chinese University of Hong Kong. He spent the 2019/20 academic year at Stanford University and two months in 2021 at Max Planck Institute in Luxembourg as a visiting scholar. He wrote his doctoral thesis on third-party funding in investment arbitration which is in the process of publishing. He actively publishes research articles and acts as a peer-reviewer in major law journals.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘Cross-Border Enforcement of Judgments: Navigating the New Hong Kong-Mainland Reciprocal Enforcement Mechanism and Common Law Pathways’ by Mr. Rico Chan (Online), 30 May 2024



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Private International Law Group

CROSS-BORDER LEGAL ISSUES
DIALOGUE Seminar Series

Cross-Border Enforcement of Judgments:
Navigating the New Hong Kong-Mainland
Reciprocal Enforcement Mechanism and
Common Law Pathways

by
Mr. Rico Chan
Supervising Associate at
Simmons & Simmons

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

30 May 2024 (Thursday), 12:30pm - 2:00pm
online seminar

This seminar aims to provide a comprehensive overview of the cross-border enforcement of judgments, focusing on the statutory and common law mechanisms, with a special emphasis on the newly enacted Hong Kong-Mainland reciprocal enforcement mechanism. Participants will gain insights into the legal framework that governs enforcement of judgments rendered by courts in other jurisdictions, exploring its legal principles and practical difficulties.

The introduction will set the stage by delineating the statutory mechanisms in place, highlighting the procedural steps and requirements for the enforcement of judgments. This will be followed by an in-depth exploration of the Hong Kong-Mainland reciprocal enforcement mechanism, a landmark development in cross-border legal collaboration. The seminar will dissect the key provisions, its scope, and the differences between the new and old mechanisms.

Moving to the common law mechanism, the seminar will contrast the statutory approach with the traditional common law routes for judgment enforcement. This section will elucidate the principles and precedents that guide the common law process, offering a comparative analysis that underscores the practical considerations for choosing between statutory and common law pathways.

A case study segment will delve into recent new cases that have emerged in the realm of judgment enforcement. This practical exploration will not only bring to light the real-world application of the discussed mechanisms but also examine the judicial reasoning and outcomes that contribute to the evolving legal landscape.

The seminar will conclude with key takeaways, summarizing the critical learning points and providing participants with actionable knowledge. Attendees will leave with a clearer understanding of the complexities of cross-border enforcement of judgments, equipped with the latest information on statutory developments and common law practices. This seminar is designed to empower participants with the knowledge to navigate the intricacies of judgment enforcement in a cross-border context effectively.

About the Speaker:

Rico Chan is a Supervising Associate at Simmons & Simmons based in Hong Kong.

Rico advises and represents international businesses in complex and high-value contentious matters, covering employment workplace conflicts, enforcement of judgments and arbitral awards, sale of goods claims, settlement negotiation, mediation, international arbitration, property litigation, technology disputes, commercial frauds, cyber-crimes, insolvency, restructuring and regulatory investigations, which often involve cross-border elements.

Rico completed a secondment with Ant Group, one of the largest tech companies in the world, where he worked in the Legal Department for 1.5 years. During his secondment, he handled a wide range of global employment projects, dispute management work and internal investigations, delivering strategic advice and risk analysis/guidance on employment law issues for Ant's offices

across APAC and EMEA regions. He has also organized various legal trainings for business executives, HR directors and employees.

Before joining Simmons, Rico trained and qualified in another international law firm where he was seconded to its London headquarters for half a year. He has also worked in different cities in Mainland China, such as Beijing and Hangzhou.

CCTL Comparative Public Law Research Forum Seminar – ‘Inventing Necessity: Law and Revolution in Postcolonial Africa’ by Dr. Coel Kirkby (Online), 31 May 2024



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Centre for Comparative and Transnational Law
Comparative Public Law Research Forum

**Inventing Necessity: Law and Revolution
in Postcolonial Africa**

by
Dr Coel Kirkby
Senior Lecturer, University of Sydney Law School;
Director, Julius Stone Institute of Jurisprudence

31 May 2024 (Friday), 12:00nn - 1:00pm
online seminar

In the late 1960s, judges in newly independent African states faced the hardest of hard cases: whether to recognize the legitimacy of new legal orders established violent military or white supremacist coups. These judicial decisions, as Claire Palley noted, were ‘manna for jurists.’ The cases fed arguments in dozens of law journal articles across the Commonwealth, including new volumes published by African universities in Accra, Dar es Salaam, Kampala, Lagos and Nairobi. I will read these transnational legal arguments on law and revolution within contemporary discourses of Cold War liberalism (and its rivals). Academic interest in the doctrine of necessity was never merely intellectual. At stake—at least for some intervenors—was the future of liberal legal orders in the form of independent African states disciplined by Westminster-model constitutions characterized by representative democracy and limited government. The threat to this order came from revolutionary governments that aimed to overthrow this ideal of formal equality (both internationally and domestically) in pursuit of African socialism or white domination. ‘Should courts enforce the dictates of [...] Fascist or Communist revolutionaries or terrorists,’

worried Palley, ‘if any of these groups seize power?’ The answers to these questions relied on competing representations of the nature of law, which imagined different models of the modern state and its possible futures.

About the Speaker:

Coel Kirkby is a Senior Lecturer at the University of Sydney Law School and the Director of the Julius Stone Institute of Jurisprudence. He was elected the Smuts Research Fellow in Commonwealth Studies at the University of Cambridge for 2017-8. Before that Coel was a McKenzie Fellow at Melbourne Law School, an Endeavour Fellow at UNSW and a researcher at the Dullah Omar Institute. He has also worked on contemporary constitutional reform projects from Fiji and Tuvalu to Victoria and South Africa.

CCTL Obligations Lab Asia Seminar – ‘The Scope and Structure of Unjust Enrichment’ by Prof. Duncan Sheehan (Online), 4 June 2024



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Centre for Comparative and Transnational Law
 Obligations Lab Asia

The Scope and Structure of Unjust Enrichment

by **Prof. Duncan Sheehan**
 Professor of Business Law
 University of Leeds

4 June 2024 (Tuesday), 5:00pm - 6:00pm
 online seminar

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

The law of unjust enrichment has attracted heated debate, including about its very existence; however, one important debate has been the extent to which unjust enrichment is structured around unjust factors such as mistake, duress or failure of consideration or around a civilian concept of absence of basis and performance. Drawing on comparisons with mixed systems such as Scots and South African law, the seminar will explore the structure of the common law of unjust enrichment, arguing that English law mixes the two approaches. English law recognises both performance claims and non-performance claims and the seminar suggests that the traditional four questions



analysis around enrichment, “at the expense of”, unjust factors and defences obscures as much as it illuminates. Performance claims, known as *condictiones* in South African law, involve a deliberate intentional transfer of money or chattels or the deliberate intentional performance of a service vis-a-vis the defendant. Non-performance claims are all other unjust enrichment claims. The seminar explores the variety of non-performance claims that English law recognises, such as improvement and encroachment claims and a version of the *actio de in rem verso*. The seminar concludes by showing how the structure elaborated is reflected in how “mistake” claims work and shows that English law still cannot do without unjust factors in some form.

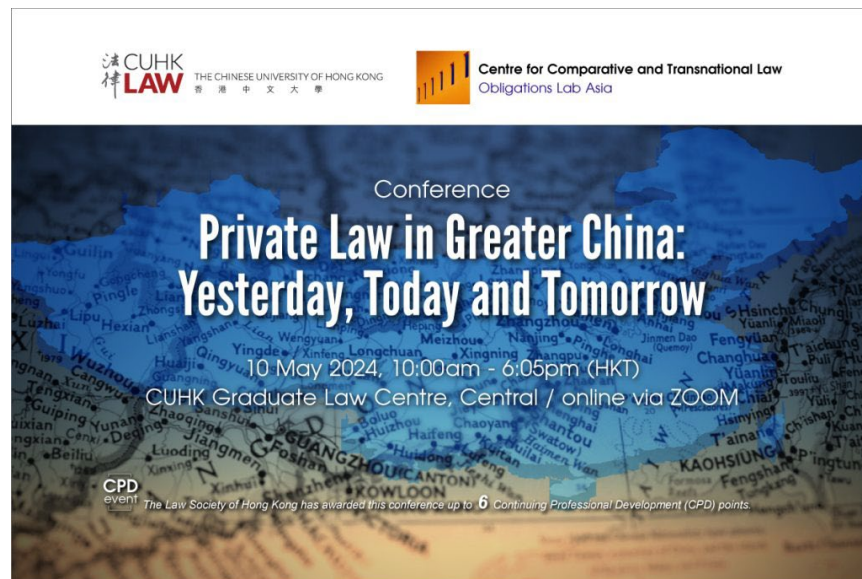
The seminar is based on arguments found in the presenter’s new book *The Scope and Structure of Unjust Enrichment* published in February 2024 with Hart Bloomsbury.

About the Speaker:

Duncan Sheehan is Professor of Business Law at the University of Leeds in the UK and specialises in unjust enrichment, trusts and personal property law.

Conference

CCTL Obligations Lab Asia Conference “Private Law in Greater China – Yesterday, Today, Tomorrow”, 10 May 2024



The CCTL Obligations Lab Asia of CUHK LAW aims to challenge conventional wisdom regarding the law of obligations with the goal of developing new lines of thinking so as to stimulate and re-invigorate related debates. Each year, the CCTL Obligations Lab Asia holds a conference with a specific theme, providing a venue for scholars in the relevant areas to exchange their ideas. Due to the pandemic, in the past years (2020-2023), the annual conferences were conducted online. In light of the regional focus of 2024 conference, we are excited to hold this conference in a hybrid format to provide our speakers and audiences with flexibility and to enhance the opportunities for personal interaction.

The theme of the 2024 CCTL Obligations Lab Asia is “Private Law in Greater China: Yesterday, Today and Tomorrow”. Private law in the People’s Republic of China has recently gone through a period of major renewal, culminating in the enactment of the new Chinese Civil Code. In contrast, private law in Hong Kong continues to be developed mostly incrementally by the courts, following the common law tradition of only occasional statutory reform. As civil law jurisdictions, Macao and Taiwan also each have their distinctive approach to private law reform. With a focus on the law of obligations, this conference aims to identify how private law scholarship can support and promote the modernisation of law in Greater China. It also seeks to explore to what extent cross-



pollination between the private law systems of the four Chinese jurisdictions is possible, necessary and desirable.

Publications

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