

Centre for Comparative and
Transnational Law

Annual Activities Report

2020 - 21



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

The Centre for Comparative and Transnational Law 比較法與跨國法研究中心 (CCTL) was established in April 2020 to encourage, and provide institutional support for, collaborative comparative and transnational law research at CUHK LAW.

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 considerations 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.

With the COVID-19 pandemic, the past year has been a challenging one in which to inaugurate a new research centre. In this fraught context, CCTL has made use of technology and online platforms to pursue rigorous, collaborative academic projects and to disseminate its work to a global audience. CCTL has developed 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, students, and the public. Thanks to its large number of seminars, book talks, and conferences via ZOOM, CCTL has been able to offer high-quality online content for free, reaching demographic groups (including students,

policymakers, and academics in the Global South) who would not have been able to access this content otherwise.

Organisation

CCTL covers comparative and transnational law research, focusing on specific fields, including comparative constitutional law, cross-border legal issues, transnational legal history, and the law of obligations. This innovative and collaborative research is supported through the following seven (7) research clusters:

- Comparative Constitutional Law Research Forum
- Corporate Law and Governance Cluster
- Environmental, Energy, and Climate Law Cluster
- Obligations Lab Asia
- Private International Law Group
- Transnational Economic Law and Dispute Settlement Group
- Transnational Legal History Group

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

Internal Organisation

Executive Director

Professor Rehan Abeyratne is an Associate Professor of Law, Executive Director of the Centre for Comparative and Transnational Law (CCTL), and Deputy Director of the JD Programme at The Chinese University of Hong Kong. He teaches undergraduate and postgraduate courses on the Hong Kong Legal System, Constitutional Law, Comparative Constitutional Law, and the Laws & Legal System of the United States. He was awarded the Faculty of Law's Teaching Excellence Award in 2019. Professor Abeyratne's primary research area is comparative constitutionalism. He is an editor of the new volume *Towering Judges: A Comparative Study of Constitutional Judges* (Cambridge University Press 2021) and of three other forthcoming books. He also serves on



the editorial board of the Asian Journal of Comparative Law. His work has appeared (or will soon appear) in the International Journal of Constitutional Law (I-CON), Yale Journal of International Law, Global Constitutionalism, Asian Journal of Comparative Law, Texas International Law Journal, Minnesota Journal of International Law, Nebraska Law Review, Brooklyn Journal of International Law, and George Washington International Law Review, as well as in edited volumes published by Cambridge University Press, Edward Elgar, Hart, and Oxford University Press. Prior to joining CUHK in 2017, Professor Abeyratne was a Scholar in Residence at the Center for Human Rights and Global Justice at New York University (NYU) School of Law. He has also held visiting positions at Melbourne Law School and the National University of Singapore (NUS) Faculty of Law. From 2011-16, Professor Abeyratne was an Associate Professor of Law at the Jindal Global Law School in Delhi, India. At Jindal, he also served as Assistant Dean (Research) and as Executive Director of the Centre for Public Interest Law. He received the Jindal Teaching Excellence Award in 2014, and the Research Excellence Award three times (2012-14).

Deputy Executive Director

Professor James Zeng is an Assistant Professor of law and Deputy Executive Director of the Centre for Comparative and Transnational Law (CCTL) at The Chinese University of Hong Kong (CUHK). 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

Dr. Dini Sejko

Dini Sejko is a Research Associate at the Centre for Comparative and Transnational Law at The Chinese University of Hong Kong, Faculty of Law and a research affiliate at The Fletcher Network for Sovereign Wealth and Global Capital, Tufts University. Dr. Sejko's research focuses on international economic law and the governance of state-owned enterprises and sovereign wealth funds (SWFs). For his research on the impact of UN sanctions on Libyan SWF's governance, Dr. Sejko received the Society of International Economic Law PEPA Best Paper Award 2018. Dr. Sejko is authoring the forthcoming book "The Transnational Law of Sovereign Wealth Funds: Governing State Capitalism at the time of Protectionism" in contract with Edward Elgar Publishing. Dr. Sejko has obtained a Combined Bachelor and Master of Science in Law from Bocconi University, a Master of Laws in International Economic Law and a PhD in Laws from The Chinese University of Hong Kong.



Ms. Bonnie Leung

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 Financial Regulation and Economic Development (CFRED).

CCTL Research Clusters

Comparative Constitutional Law Research Forum

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

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

Members

- Professor Mara Malagodi (Cluster Chair)
- Professor Rehan Abeyratne
- Professor Ngoc Son Bui (Cluster Chair from April 2020 to March 2021)
- Professor Stuart Hargreaves
- Professor Ryan Mitchell
- Professor 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

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

Members

- Professor Benoît Mayer (Cluster Chair)
- Professor Anatole Boute
- Professor Jae Woon Lee
- Professor Hao Zhang
- Professor Yuhong Zhao
- Ms. Yang Han
- Ms. Sara Mathilda Soini

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
- Professor Kaj Hobér, Professor, Department of Law, University of Uppsala
- Professor John Paterson, Chair in Law, School of Law, University of Aberdeen
- Professor 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 to develop new lines of thinking so as to stimulate and reinvigorate 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

- Professor Normann Witzleb (Cluster Chair)
- Professor Fernando Dias Simões

- Mr. Michael Fisher
- Mr. Elliot Fung
- Professor Steven Gallagher
- Mr. Alan Gibb
- Mr. Arthur Lee
- Professor Peter Rhodes
- Professor Lutz-Christian Wolff (Cluster Chair from April 2020 to March 2021)
- Professor James Zeng

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

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

Transnational Economic Law and Dispute Settlement Group

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

mediation, cross-border data regulation, double taxation issues, investment in the energy sector, aviation sector, and the transnational governance of state capitalism.

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

Members

- Professor Bryan Mercurio (Cluster Chair)
- Professor Anatole Boute
- Professor Fernando Dias Simões
- Professor Jae Woon Lee
- Professor Jyh-An Lee
- Professor Noam Noked
- Professor Jingyi Wang
- Dr. Dini Sejko

Transnational Legal History Group

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

Members

- Professor Christopher Roberts (Cluster Chair)

- Professor Ngoc Son Bui
- Professor Steven Gallagher
- Professor Gregory Gordon
- Professor Mara Malagodi
- Professor Ryan Mitchell
- Professor Lutz-Christian Wolff

Affiliated Scholars

- Professor Norman P. Ho, Professor of Law, Peking University School of Transnational Law
- Professor Stuart McManus, Assistant Professor, Department of History, CUHK
- Professor James Morton, Assistant Professor, Department of History, CUHK
- Professor Leilah Vevaina, Assistant Professor, Department of Anthropology, CUHK

Cluster Chairs

Professor Mara Malagodi

Mara Malagodi is an Assistant Professor at the Faculty of Law, The Chinese University of Hong Kong. She joined CUHK in August 2019. Professor Malagodi is a comparative constitutional lawyer and socio-legal scholar with a linguistically-informed specialism in South Asian law and politics (in particular Nepal, India, and Pakistan), human rights law, gender and law, legal history, and law and film. She is a non-practicing barrister in England and Wales, and an award-winning documentary filmmaker. Professor Malagodi holds her Doctorate (2009), MA in South Asia Area Studies, and BA (Hons) in Nepali & Politics from the University of London (SOAS). She completed the Bar Professional Training Course (BPTC) at the City Law School, obtained her Graduate Diploma in Law (GDL) from the then College of Law and her BA in International Relations & Diplomacy from the University of Trieste. Professor Malagodi is a scholar of the Honourable Society of the Middle Temple, which called her to the Bar of England and Wales in 2016 and awarded her the Quatercentenary Scholarship and Blackstone Entrance Exhibition to support her professional legal training. In 2014 Professor Malagodi was selected for the UCL Documentary Film Summer School at the Escuela de Cine y TV in Cuba where she co-directed



the short documentary film ‘Walking through Havana’ (2014). Her film won the award for Best Short Doc at the 2015 Raindance Film Festival, and was nominated for Best Student Doc at the 2015 Sheffield International Documentary Festival and for Best Short Doc at the 2015 Shuffle Film Festival.

Professor 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.



Professor Benoît Mayer

Benoît Mayer was appointed Assistant Professor at the Faculty of Law of The Chinese University of Hong Kong in 2016, and currently chairs the CCTL Environmental, Energy and Climate Law Cluster. He is also a Research Associate at McGill University's Hans & Tamar Oppenheimer Chair in Public International Law, a Senior Research Fellow at the Centre for International Sustainable Development Law (CISDL), an Associate Member at the National University of Singapore's Asia-Pacific Centre for Environmental Law, and a Research Fellow at the Earth System Governance project. He is the Managing Editor of the Chinese Journal of Environmental Law. Professor Mayer holds degrees from the University Paris 1 – Panthéon-Sorbonne, Sciences Po Lyon, McGill University, and the National University of Singapore. From 2015 to 2016, he was an Associate Professor at the University of Wuhan. His publications include three books and more than 60 journal articles and book chapters on the international governance of climate change. His critical outlook on the concept of climate migration and his analysis of the interactions between climate change and general international law have had a growing impact on the study of international climate change law.



Professor 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.



Professor Dicky Tsang

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.).



Professor Bryan Mercurio

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



Co-ordination Office Public Policy Research Funding Scheme entitled, ‘Regulating Cross-Border Data: A Public Policy Framework for Hong Kong’ and a grant from the Humanities and Social Sciences Prestigious Fellowship Scheme entitled ‘Reshaping Global Trade: The Impact and Effects of the US-China Trade War’.

Professor Christopher Roberts

Christopher Roberts is an Assistant Professor and the Deputy Director of the LLB Programme at The Chinese University of Hong Kong. Professor Roberts’ academic interests include comparative approaches to human rights, procedural issues before human rights tribunals, the relationship between international sanctions regimes and public international law, and approaches to systemic and structural harms within national and international law. Professor Roberts’ current research focuses on the historical evolution of public order legality in nineteenth and early twentieth century Britain and the British Empire. From 2021, he will be pursuing a University Grants Committee-funded ECS project, exploring the exportation and evolution of vagrancy laws in the nineteenth-century British Empire. Professor Roberts is the Chair of the Transnational Legal History Group within the Law Faculty’s Centre for Comparative and Transnational Law, and a member of the Comparative Constitutional Law Forum. In addition to his academic work, Professor Roberts has worked as an expert legal consultant addressing issues such as constitutional and legal reform, the rule of law and human rights standards with intergovernmental and non-governmental organisations such as the United Nations High Commissioner for Refugees, the United Nations Children’s Fund, the International Institute for Democracy and Electoral Assistance, the African Commission on Human and Peoples’ Rights, the International Foundation for Electoral Systems, the International Center for Not-for-Profit Law, the International Federation for Human Rights, Avocats Sans Frontières, the International Service for Human Rights, the International Refugee Assistance Project, the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights, the Arab Center for the Promotion of Human Rights, Transparency Maldives, and many others. Professor Roberts is currently serving as a senior adviser to the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association.



Steering Committee

Professor Lutz-Christian Wolff (Chair)

Lutz-Christian 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 consultant with multi-national companies and law firms on investment projects in the Greater China region.



Professor Rehan Abeyrante

Executive Director, CCTL and Associate Professor, CUHK LAW (see bio above).

Professor Anatole Boute

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. Professor 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*. His research output is partly available at http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=878060. Professor Boute is the founder of the LLM program in Energy and Environmental Law and is in charge of the program's coordination.

Professor Curtis Milhaupt

Curtis J. Milhaupt's research and teaching interests include comparative corporate governance, the legal systems of East Asia (particularly Japan), and state capitalism. In addition to numerous scholarly articles, he has co-authored or edited seven books, including *Regulating the Visible Hand? The Institutional Implications of Chinese State Capitalism* (Oxford, 2016), *Law and Capitalism: What Corporate Crises Reveal about Legal Systems and Economic Development Around the World* (Chicago, 2008) and *Transforming Corporate Governance in East Asia* (Routledge, 2008). His research has been profiled in *The Economist*, the *Financial Times*, and the *Wall Street Journal* and has been widely translated. He is a Research Associate of the European Corporate Governance Institute and a member of the American Law Institute. Prior to his Stanford appointment in 2018, Professor Milhaupt held chaired professorships in comparative corporate law and Japanese law at Columbia Law School, where he served on the faculty for nearly two decades. He has held numerous visiting appointments at US and foreign universities and is the recipient of two teaching awards. He has been affiliated with think tanks such as the Bank of Japan's Institute for Monetary and Economic Studies and has been a member of several international project teams focused on major policy issues in Asia, including one charged with



designing an “institutional blueprint” for a unified Korean peninsula. Prior to entering academia, Professor Milhaupt practiced corporate law in New York and Tokyo with a major law firm. He holds a JD from Columbia Law School and a BA from the University of Notre Dame. He also conducted graduate studies in law and international relations at the University of Tokyo.

Professor Adrienne Stone

Adrienne Stone is Redmond Barry Distinguished Professor and Director of the Centre for Comparative Constitutional Studies at Melbourne Law School. She researches in the areas of constitutional law and constitutional theory with particular attention to freedom of expression. She is a Kathleen Fitzpatrick Australian Laureate Fellow and her Laureate Program on Comparative Constitutional Law assembles a research team to investigate challenges to liberal democratic constitutionalism. She has published widely in international and Australian journals including, recently, in the *Federal Law Review*, *Vienna Journal on International Constitutional Law*, *International Journal of Constitutional Law*, *Constitutional Commentary*. She is the author (with Carolyn Evans) of *Open Minds: Academic Freedom and Freedom of Speech* (2021). With Cheryl Saunders AO she is editor of the *Oxford Handbook on the Australian Constitution* (2018) and with Frederick Schauer, she is editor of the *Oxford Handbook on Freedom of Speech* (2021). She is the President of the International Association of Constitutional Law and is an elected Fellow of the Academy of Social Sciences in Australia and Australian Academy of Law.



Professor Chao Xi

Professor, CUHK LAW (see bio above).

Professor James Zeng

Deputy Executive Director, CCTL and Assistant Professor, CUHK LAW (see bio above).

Overview of Activities

This report covers the period from 1 **April 2020** to 31 **March 2021**. In the first year of operation, the research clusters that comprise CCTL have organised a wide range of activities including:

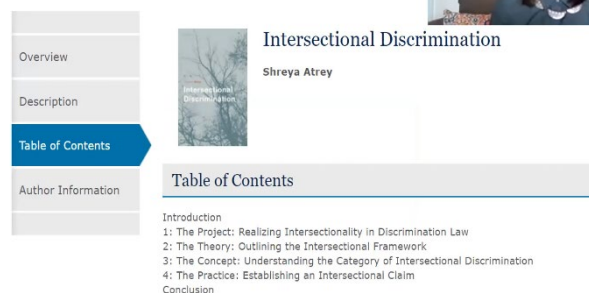
- Book Discussions
- Seminars
- Conferences/Symposiums.

Due to the COVID-19 restrictions, all CCTL events have taken place online (via ZOOM) and most of them are now available on the CUHK LAW YouTube Chanel and on the Faculty website. The videos are also shared through the CCTL and CUHK LAW social media accounts in order to reach a broader audience. Written summaries of the events are monthly published on The Hong Kong Lawyer.

Book Discussions

CCTL Comparative Constitutional Law Research Forum Seminar on ‘Intersectional Discrimination’ (Online), 4 May 2020

What is the book about



Overview
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 Author Information

Intersectional Discrimination
 Shreya Atrey

Table of Contents

Introduction
 1: The Project: Realizing Intersectionality in Discrimination Law
 2: The Theory: Outlining the Intersectional Framework
 3: The Concept: Understanding the Category of Intersectional Discrimination
 4: The Practice: Establishing an Intersectional Claim
 Conclusion

Professor Shreya Atrey talked about her new book *Intersectional Discrimination* (Oxford University Press 2019), which examines the concept of intersectional discrimination and the difficulties that jurisdictions around the world have faced in redressing it in the field of discrimination law. The term ‘Intersectionality’ was coined by Kimberlé Crenshaw in 1989. Thirty years since its conception, the term has become a buzzword in sociology, anthropology, feminist studies, psychology, literature, and politics. But it remains marginal in the discourse of discrimination law, where it was first conceived. Traversing its long and rich history of development, the book explains what intersectionality is as a theory and as a category of

discrimination. It then explains what it takes for discrimination law to be reimagined from the perspective of intersectionality in reference to comparative laws in the US, UK, South Africa, Canada, India, and the jurisprudence of the European Courts (CJEU and ECtHR) and international human rights treaty bodies.

About the Speaker:

Professor Shreya Atrey is an Associate Professor in International Human Rights Law at the Faculty of Law and Department for Continuing Education, based at the Bonavero Human Rights Institute at the University of Oxford. Her research is on discrimination law, feminist theory, poverty and disability law. Her monograph, *Intersectional Discrimination* (OUP2019), presents an account of intersectionality theory in comparative discrimination law. Previously, she was based at the University of Bristol Law School where she taught on Constitutional Rights, Public Law and International Human Rights Law courses. She has been a Max Weber Fellow at the European University Institute, Florence and a Hauser Postdoctoral Global Fellow at the NYU School of Law, New York. She completed BCL with distinction and DPhil in Law on the Rhodes Scholarship from Magdalen College, University of Oxford. She has served as the Chairperson of the Oxford Pro Bono Publico and is currently an associate member of the Oxford Human Rights Hub. Atrey is an Official Fellow of Kellogg College.

'From the Colonial to the Contemporary: Images, Iconography, Memories, and Performances of Law in India's High Courts' (Online), 29 June 2020

The Transnational Legal History Group organised a book discussion on *From the Colonial to the Contemporary: Images, Iconography, Memories, and Performances of Law in India's High Courts* "From the Colonial to the Contemporary" explores the representation of law, images and justice in the first three colonial high courts of India at Calcutta, Bombay and Madras. It is based upon ethnographic research work and data collected from interviews with judges, lawyers, court staff, press reporters and other persons associated with the courts. Observing the courts through the in vivo, in trial and practice, the book asks questions at different registers, including the impact of the architecture of the courts, the contestation around the renaming of the high courts, the debate over the use of English versus regional languages, forms of addressing the court, the dress worn by different court actors, rules on photography, video recording, live telecasting of court proceedings, use of CCTV cameras and the alternatives to courtroom sketching, and the ceremony and ritual that exists in daily court proceedings. The three colonial high courts studied in this book share a recurring historical tension between the

Indian and British notions of justice. This tension is apparent in the semiotics of the legal spaces of these courts and is transmitted through oral history as narrated by those interviewed. The contemporary understandings of these court personnel are therefore seen to have deep historical roots. In this context, the architecture and judicial iconography of the high courts help to constitute, preserve and reinforce the ambivalent relationship that the court shares with its own contested image.

About the Speakers:

Dr. Rahela Khorakiwala is a lawyer by training, having completed her law degree in India and her LLM at New York University School of Law. Dr. Khorakiwala has worked as a legal consultant with the Ministry of Foreign Affairs in New Delhi and the World Bank in Kabul. She has completed the integrated MPhil/PhD from Jawaharlal Nehru University, New Delhi where she did an ethnographic study of the colonial courts of India, studying them as a legal anthropologist. Dr. Khorakiwala has eight publications to her credit, including peer-reviewed contributions to the *Indian Law Review* and the *Asian Journal of Law and Society*. Her research has an extensive outreach as she has presented her work at several conferences across the world. After completing a postdoctoral fellowship at the Max Planck Institute in Frankfurt, Dr. Khorakiwala has most recently published her first book titled, *From the Colonial to the Contemporary: Images, Iconography, Memories, and Performances of Law in India's High Courts*.

Professor Leilah Vevaina, Assistant Professor, Department of Anthropology, CUHK (Discussant).

Professor Christopher Roberts, Assistant Professor, CUHK LAW (Chair).

'Constitutionalism and Classical Confucianism: Book Discussion on Theorizing Confucian Virtue Politics' organised by the CCTL Comparative Constitutional Law Research Forum, 4 December 2020

Professor Sungmoon Kim, a leading scholar of comparative political theory at the City University of Hong Kong, presented his book "Theorizing Confucian Virtue Politics: The Political Philosophy of Mencius and Xunzi" published by Cambridge University Press. Professor Kim explained how the political philosophies of Mencius and Xunzi are used in the constitutional field, and how they have been developed to authorise the ruler's legitimate use of power in domestic and interstate politics in ways consistent with their distinctive accounts

of human nature. The book discussion then continued with the comments of Professor Chung-yi Cheng, (CUHK, Department of Philosophy) Professor Ryan Mitchell (CUHK LAW) and Professor Ngoc Son Bui (CUHK LAW). The discussants engaged in a fascinating discussion with Professor Kim on comparative constitutional law, international law, and political philosophy aspects of Mencius and Xunzi thought, and the differences among the two Confucian thinkers. The speakers also examined the influence of Mencius and Xunzi thought on the modern significance of sovereignty, sovereign power, institutional building, and realpolitik in contrast to the thought of modern western thinkers. Professor Ngoc Son Bui chaired the seminar and moderated the Q&A session.

About the Speakers:

Professor Sungmoon Kim, Professor, Department of Public Policy, City University of Hong Kong; Professor, Department of Political Science and International Studies, Yonsei University.

Professor Chung-yi Cheng, Professor, Department of Philosophy, CUHK (Discussant).

Professor Ngoc Son Bui, Assistant Professor, CUHK LAW (Chair).

Professor Ryan Mitchell, Assistant Professor, CUHK LAW (Discussant).

CCTL Transnational Economic Law and Dispute Settlement Group Book Talk – ‘Aviation Law and Policy in Asia: Smart Regulation in Liberalized Markets’ (Online), 5 February 2021

1. Aviation law? Is it something like “law of

- Massive industry
- Heavily regulated
- Structurally borderless
- Treated by governments
 - not as an ordinary part of international trade
 - as singular and exceptional
- A separate UN body (ICAO – International Civil Aviation Organization) to frame common aviation rules



Havel, Brian F. and Sanchez, Gabriel S. *The Principles and Practice of International Aviation Law*

On 5 February 2021 the CCTL Transnational Economic Law and Dispute Settlement Group co-organised with the Centre for Asia-Pacific Initiatives (CAPI) University of Victoria an online book talk on ‘Aviation Law and Policy in Asia: Smart Regulation in Liberalized Markets.’ The book, edited by CUHK LAW Professor Jae Woon Lee and published by Brill,

examines the evolution of aviation law and policy in selected Asian jurisdictions and analyses the dynamic regulatory challenges that each jurisdiction faces, also in light of the changes that the industry is facing due to the COVID19 pandemic. Professor David Duval chaired the book discussion between Professor Jae Woon Lee, and Ms. Michelle Dy and Ms. Lalin Kovudhikulrungsri that had contributed to the book. The speakers touched upon topics such as air transport liberalisation, the regulation of air operator certificates, legal issues about pilot strikes, traffic rights allocation, legal challenges arising from new types of aircraft, ticket pricing regulation, air services agreements, airport competitiveness and air-craft financing and the role of multilateral aviation-specific treaties that states have created within the framework of the International Civil Aviation Organization. Ms. Michelle Dy and Ms. Lalin Kovudhikulrungsri focussed on the case studies of liberalisation of air transportation in the Philippines and Thailand.

About the Speakers:

Book Editor: Professor Jae Woon Lee, Assistant Professor, CUHK LAW.

Ms. Michelle Dy, Manager, Global Affairs and Policy, AirAsia, Malaysia Chapter 9: Removing Air Transportation from the Scope of ‘Public Utility’ in the Philippine Constitution: A Panacea for Liberalisation?

Ms. Lalin Kovudhikulrungsri, Deputy Director, Institute of Transport and Maritime Law, Thammasat University, Thailand Chapter 12: Ownership and Control of Thai Airlines: Liberal Spirit in the Cloak of Nationalism.

Professor David Duval, Professor, Department of Business and Administration, University of Winnipeg, Canada (Chair).

CCTL Comparative Constitutional Law Research Forum Joint Book Talk – ‘Constitutional Statecraft in Asian Courts (Oxford University Press, 2020)’ by Dr. Yvonne Tew (Online), 4 March 2021

The book launch, co-organised with HKU CCPL, introduced the book *Constitutional Statecraft in Asian Courts* written by Dr. Yvonne Tew. The book explores how courts engage in constitutional state-building in aspiring, yet deeply fragile, democracies in Asia. Dr. Tew offers an in-depth look at contemporary Malaysia and Singapore, explaining how courts protect and construct constitutionalism even as they confront dominant political parties and negotiate

democratic transitions. The book explores the judicial strategies used for statecraft in Asian courts, including an analysis of the specific mechanisms that courts can use to entrench constitutional basic structures and to protect rights in a manner that is purposive and proportionate. Dr. Tew's account shows how courts in Asia's emerging democracies can chart a path forward to help safeguard a nation's constitutional core and to build an enduring constitutional framework.

About the Speakers:

Dr. Yvonne Tew, Associate Professor, Georgetown University Law Center.

Professor Rehan Abeyratne, Associate Professor, CUHK LAW (Chair).

Dr. Po Jen Yap, Professor, University of Hong Kong (Discussant).

Dr. Dian A H Shah, Assistant Professor, National University of Singapore (Discussant).

CCTL Comparative Constitutional Law Research Forum Book Launch – 'Towering Judges: A Comparative Study of Constitutional Judges' (Cambridge University Press, 2021) (Online), 23 March 2021



This seminar launched the new book *Towering Judges: A Comparative Study of Constitutional Judges* (Cambridge University Press, 2021). This volume, edited by Professor Rehan Abeyratne (CUHK LAW) and Professor Iddo Porat (College of Law and Business, Israel), examines the work of nineteen judges from fourteen jurisdictions, each of whom stood out among their fellow judges and had a significant impact on the trajectory of constitutional law within their home jurisdiction.

The discussion covered topics including the concept of a towering judge; the background conditions that foster or deter the rise of towering judges; are towering judges, on balance,

positive or detrimental for constitutional systems; how do towering judges differ from one jurisdiction to another; how do political and historical developments relate to this phenomenon; and how does all of this fit within global constitutionalism? The answers to these questions offer important insight into how these judges were able to shine to an uncommon degree in a profession where individualism is not always looked on favourably. Professor Christopher Robert moderated a lively and engaging discussion.

About the Speakers:

Professor Rehan Abeyratne, Associate Professor, CUHK LAW.

Professor Mara Malagodi, Assistant Professor, CUHK LAW.

Professor Iddo Porat is an associate professor of law at the College of Law and Business. He received his LL.B. from the Hebrew University, Jerusalem, magna cum laude (joint program with the Department of Philosophy), clerked at the Israeli Supreme Court (Justice Dalia Dorner) and received his LLM and JSD from Stanford Law School. Professor Porat was a visiting professor at San Diego Law School (2008-2009) and a Senior Fellow at the Center for Comparative Constitutional Studies at Melbourne Law School (2017-2018). Professor Porat's teaching engagements include teaching in San Diego Law School, Melbourne Law School, TNNLS (India), NUS (Singapore) and HKU (Hong Kong). Professor Porat's areas of research are constitutional law, comparative constitutional law, and legal theory, and he specializes in the doctrines of proportionality and balancing.

Dr Gabrielle Appleby is a Professor at the Law Faculty of University of New South Wales (Sydney). She researches and teaches in public law, with her areas of expertise including the role, powers and accountability of the Executive; parliamentary law and practice; the role of government lawyers; and the integrity of the judicial branch. She is the Director of The Judiciary Project at the Gilbert + Tobin Centre of Public Law, the constitutional consultant to the Clerk of the Australian House of Representatives and a member of the Indigenous Law Centre. Her books include *The Judge, The Judiciary and the Court: Individual, Collegial and Institutional Judicial Dynamics in Australia* (Cambridge University Press, 2021), *Judicial Federalism in Australia* (Federation Press, 2021), *Australian Public Law* (3rd ed, Oxford University Press, 2018), *The Role of the Solicitor-General: Negotiating Law, Politics and the Public Interest* (Hart Publishing, 2016); *The Critical Judgments Project: Re-reading Monis v The Queen* (Federation Press, 2016) and *The Tim Carmody Affair* (NewSouth Publishing,

2016). Gabrielle has also spent time working for the Queensland Crown Solicitor and the Victorian Government Solicitor's Office.

Professor Ngoc Son Bui is an Assistant Professor at The Chinese University of Hong Kong Faculty of Law where he teaches and researches on constitutional law, comparative constitutional law, and comparative law. His work includes the monographs *Constitutional Change in the Contemporary Socialist World* (Oxford University Press 2020) and *Confucian Constitutionalism in East Asia* (Routledge 2016), and articles published in *American Journal of Comparative Law*, *International Journal of Constitutional Law*, *Cornell International Law Journal*, *NYU Journal of International Law and Politics*, *Illinois Law Review*, among others. He was previously a research fellow at the Centre for Asian Legal Studies in the National University of Singapore Faculty of Law. He serves as an editor of the *Asian Journal of Comparative Law*

Professor Rosalind Dixon is a Professor of Law, at the University of New South Wales, Faculty of Law. Her work focuses on comparative constitutional law and constitutional design, constitutional democracy, theories of constitutional dialogue and amendment, socio-economic rights and constitutional law and gender, and has been published in leading journals in the US, Canada, the UK and Australia. She is co-editor, with Tom Ginsburg, of a leading handbook on comparative constitutional law, *Comparative Constitutional Law* (Edward Elgar, 2011), and related volumes on *Comparative Constitutional Law in Asia* (Edward Elgar, 2014) and *Comparative Constitutional Law in Latin America* (Edward Elgar, 2017), co-editor (with Mark Tushnet and Susan Rose-Ackermann) of the Edward Elgar series on *Constitutional and Administrative Law*, on the editorial board of the *International Journal of Constitutional Law*, *Revista Estudos Institucionais*, *Public Law Review*, and editor of the *Constitutions of the World* series for Hart Publishing. Professor Dixon is a Manos Research Fellow, Director of the Gilbert + Tobin Centre of Public Law, Deputy Director of the Herbert Smith Freehills Initiative on Law and Economics, Co-Director of the UNSW New Economic Equality Initiative (NEEI), and academic co-lead of the Grand Challenge on Inequality at UNSW. She was recently elected as co-president of the International Society of Public Law.

Professor Andrew Lynch is Acting Dean at UNSW Law. His research concentrates on the topics of federalism, judicial dissent, judicial appointments reform, and legal responses to terrorism. He is an author of *Equity and Trusts* (2001 and 2005), *What Price Security? Taking Stock of Australia's Anti-Terror Laws* (2006), *Inside Australia's Anti-terrorism Laws* and

Trials (2014), Blackshield & Williams' Australian Constitutional Law and Theory (6th ed, 2014; 7th ed, 2018) and Australia's Greatest Judicial Crisis - The Tim Carmody Affair (2016). He is a co-editor of Law and Liberty in the War on Terror (2007), Counter-Terrorism and Beyond: The Culture of Law and Justice After 9/11 (2010), Tomorrow's Federation: Reforming Australian Government (2012) and the editor of Great Australian Dissents (2016).

Professor Alon Harel holds a D. Phil. (Philosophy of Law) from Balliol College, Oxford. Professor Harel research interests include moral and political philosophy, criminal law, law and economics law and philosophy, and among others he is author of the book Why Law Matters published with Oxford University Press in 2014.

Seminars

CCTL Cross-Border Legal Issues Dialogue Seminar Series – 'The Effectiveness of Jurisdiction Clauses in Settling Hong Kong Forum Disputes' (Online), 8 May 2020

Given the significant litigation costs incurred and uncertainty of outcome where there is forum dispute in the Hong Kong courts, it would seem logical for parties to insert a jurisdiction clause in a commercial contract with an international element in order to minimise such disputes. The seminar focused on the attitude of the Hong Kong court to such clauses. It will consider exclusive jurisdiction clauses – what are the legal consequences of non-compliance, under what circumstances will a Hong Kong court refuse to uphold an exclusive jurisdiction clause, to what extent can a third party be bound by such a clause? The Hong Kong's court approach to deciding whether the clause should be interpreted as an exclusive or non-exclusive jurisdiction clause will also be reviewed. The legal effect of a non-exclusive clause will also be assessed as will the Hong Kong courts attitude to jurisdiction clauses in the context of the Mainland Judgments (Reciprocal Enforcement) Ordinance.

About the Speaker:

Mr. Alan Gibb, Professional Consultant, CUHK LAW.

CCTL Corporate Law and Governance Cluster Seminar – 'Institutional Investors and Voting in Chinese Stock Markets' by Professor Chao Xi (Online), 18 May 2020

Institutional investor stewardship has in recent years gained traction around the globe. Prior academic studies suggest, however, that institutional investors can have their own agency

problems: Institutional investors have strong incentives to under-invest in stewardship and they defer excessively to the preferences and positions of corporate managers. Their internal conflicts of interest often make activism difficult. Professor Chao Xi presented his empirical findings of a multi-year research project funded by the Hong Kong SAR Research Grants Council on Shareholder Voting in China. His research constructs a unique dataset of the votes cast at the shareholders' meetings of all Chinese A-share companies listed on the Main Board during the 2002-2017 period. It provides the first direct evidence of how shareholders (including institutional investors) vote in China's A-share markets.

CCTL Cross-Border Legal Issues Dialogue Seminar Series - 'Jurisdiction and Forum Disputes in Family Proceedings' by Mr. Eugene Yim (Online), 5 June 2020



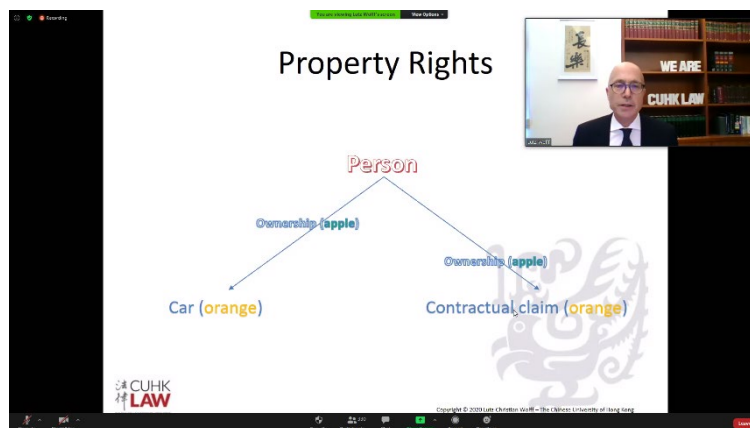
With the increasing mobility in today's world and cross-national or international marriages becoming a growing phenomenon in our city, the courts in Hong Kong deal with a large number of international and cross-border divorce cases each year. In what circumstances may the Hong Kong Court hear a divorce case and related questions on children and finances (jurisdiction)? What are the discretionary considerations that may inform whether or not the Hong Kong Court accepts or declines jurisdiction (*forum non conveniens*)? How is the situation different in the context of unmarried couples? Are foreign matrimonial judgments enforceable in Hong Kong? Are Hong Kong matrimonial judgments enforceable overseas?

About the Speaker:

Mr. Eugene Yim is a practising barrister at Bernacchi Chambers. He has a civil practice which comprises both litigation and advisory work, with a strong focus on matrimonial finance (including cases involving trusts, third party interests in land and property, nuptial agreements

and cross-border divorces), children matters (such as custody disputes, applications under the Guardianship of Minors Ordinance, applications under the Parent and Child Ordinance, relocation cases and surrogacy), conflict of laws, probate and inheritance (including applications under the Inheritance (Provision for Family and Dependents Ordinance), and land and property claims.

CCTL and Property Law Seminar – ‘Contract Law is Property Law!’ by Professor Lutz-Christian Wolff (Online), 17 June 2020



Contract law and property law are normally seen as different areas of law which address different issues. This seminar challenged the conventional position by arguing that the conclusion, amendment and termination of contracts are in fact property law transactions and that the strict divide between contract law and property law is therefore not justifiable. The seminar explained the (rather confusing) terminological and doctrinal basics. It provided a review of the existing positions developed by academics and courts regarding the relationship between contract law and property law. It demonstrated in its main part that contract law does in fact serve property law functions and that this conclusion leads to rather significant practical consequences. The seminar ended with remarks of a more general nature regarding the possibility of change of long established doctrinal beliefs. The seminar was based on Professor Wolff’s recent journal article ‘The relationship between contract law and property law’ published on the Common Law World Review (2020).

About the Speaker:

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

CCTL Comparative Constitutional Law Research Forum Seminar – ‘Constitutional Law in Greater China: Comparative Issues’ (Online), 3 August 2020

The webinar introduced the ongoing project: Routledge Handbook of Constitutional Law in Greater China. Edited by three CUHK LAW members Professors Ngoc Son Bui, Stuart Hargreaves, and Ryan Mitchell, this Handbook aims to provide a comprehensive survey of important issues of constitutional law in mainland China, Hong Kong, Macau, and Taiwan; and critically discuss leading views on these issues. In the Webinar, the three editors also discussed comparative issues related to the Handbook, including: the role of the overseas judges in Hong Kong versus in Macau; the evolution of the People Republic of China’s Constitution over time and its changing roles in relation to the state and society; and comparative constitutional law scholarship’s recent engagement with China’s Constitution.

About the Speakers:

Professor Stuart Hargreaves, Associate Professor, CUHK LAW.

Professor Ryan Mitchell, Assistant Professor, CUHK LAW.

Professor Ngoc Son Bui, Assistant Professor, CUHK LAW.

Professor Mara Malagodi, Assistant Professor, CUHK LAW (Chair).

CCTL Environmental, Energy and Climate Law Cluster seminar – ‘Climate Change Mitigation: The Role of Environmental Impact Assessments’ by Professor Benoît Mayer (Online), 13 August 2020

Environmental impact assessment (EIA) is used in most countries as a procedure to ensure that administrative authorities are aware of the environmental impacts likely to result from the projects they approve. Many jurisdictions have moved towards including consideration for climate change mitigation in EIAs. This seminar discussed the prospects of EIA as a tool for climate change mitigation.

About the Speaker:

Professor Benoît Mayer, Assistant Professor, CUHK LAW.

CCTL Comparative Constitutional Law Research Forum seminar – ‘Confucianism and the Presidential Impeachment in South Korea: Confucian Constitutionalism?’ by Professor Sungmoon KIM (Online), 4 September 2020



Professor Sungmoon Kim, professor of political theory and director of the Center for East Asian and Comparative Philosophy at City University of Hong Kong, delivered the CCTL’s Comparative Constitutional Law Research online seminar entitled Confucianism and the Presidential Impeachment in South Korea: Confucian Constitutionalism? The presentation, based on his recent article, addressed the relevance of Confucian values in the landmark decision of the South Korea’s Constitutional Court in 2017 upholding the motion to impeach the president. By associating the Court’s jurisprudence characterised by highly moralistic language and style of reasoning with Confucian constitutionalism, Professor Kim presents Confucian constitutionalism as indirect constitutionalism, a mode of constitutionalism that aims to shape the polity’s constitutional identity in a way that achieves a meaningful congruence between liberal constitutional principles and the underlying public culture that defines the polity as a distinctive moral community.

Professor Ngoc Son Bui chaired the seminar and moderated a stimulating Q&A session.

The seminar was based on Professor Kim’s journal article “From Remonstrance to Impeachment: A Curious Case of ‘Confucian Constitutionalism’ in South Korea” (Law & Social Inquiry 44:3 [2019])

About the Speakers:

Professor Sungmoon Kim, Professor, Department of Public Policy, City University of Hong Kong.

Professor Ngoc Son Bui, Assistant Professor, CUHK Law (Chair)

CCTL Transnational Legal History Group Seminar – ‘Protecting Women and Morals? Contagious Diseases Laws and the “Rule of Law” Ideal in the British Empire, 1886-1899’ by Dr. Jack Jin Gary Lee (Online), 22 September 2020

The presentation covered issues related to the genealogy of the concept of the rule of law, legal ethnology, and morality. Dr. Lee delved into the formation of the rule of colonial difference through recounting the global history of the Contagious Diseases Ordinances and the persistence of legal frames linked to those ordinances in Hong Kong and the Straits Settlements. Along the way, he explored tensions related to their drafting and implementation, and argued that a gendered sovereignty was produced in the British empire through laws that outlined the colonial state’s protective role vis a vis ‘native’ women. More broadly, his talk explored the manner in which the development of the liberal rule of law was bound up with the production of racial hierarchy in the colonies. The talk was followed by an engaged discussion, exploring questions such as the evolution of the narrative of ‘protection’ within the British Empire over time, and the nature of the relationship between metropolitan and colonial governance.

About the Speaker:

Dr. Jack Jin Gary Lee’s research and teaching examines the significance of culture, law and politics in social processes of state-making and governance. He is working on a book on the significance of law and race in the making of “direct rule” in the modern British Empire. Focusing on the re-constitution of Jamaica and the Straits Settlements (Singapore, Penang and Malacca) as Crown Colonies in the latter half of the nineteenth century, this project examines the workings (and postcolonial legacies) of liberal imperialism in relation to colonies marked as plural societies. Notably, Dr. Lee’s dissertation on this topic won the University of California, San Diego’s 2018 Chancellor’s Dissertation Medal (Social Sciences).

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘Interim Relief in International Disputes: The Hong Kong’s Perspective’ by Dr. Sara Migliorini (Online), 25 September 2020



The practice-oriented seminar examined the crucial issue of interim relief pending adjudication on the merits in a complex international litigation. The speaker used a series of examples taken from practice to illustrate the Hong Kong’s approach, with a comparative view on the UK. The focus was on freezing orders and other injunctions. The discussion centered around jurisdiction to issue such orders and its interface with jurisdiction on the merits of the claim, at the stage of both issuance of the interim measure and of recognition.

About the Speaker:

Dr. Sara Migliorini is a Researcher in Private International Law – British Institute of International and Comparative Law (BIICL). She is the co-author of the leading book on the European freezing order (Cambridge University Press) and has worked extensively on the topic of interim relief in international and complex cases. Sara has also practiced in litigation and arbitration in Paris, with a focus on cross-border disputes. She has taught in universities in common law and civil countries and is widely published in the areas of private international law and comparative law.

CCTL Environmental, Energy and Climate Law Cluster seminar – ‘In the Name of Legitimacy and Efficiency: Evaluating China’s EIA Legal Reform’ by Professor Xiangbai He (Online), 15 October 2020

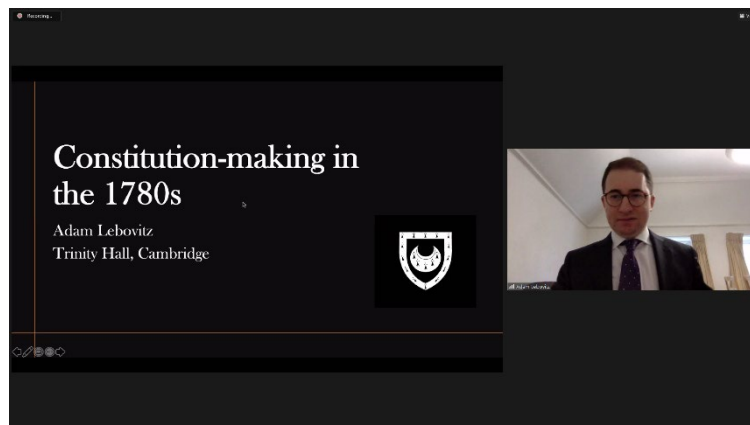
In recent years, the Chinese government has undertaken significant legal strategies to rectify past regulatory wrongs, close enforcement gaps, and improve public participation. However, ongoing administrative reform and prevailing policies optimising the business environment

have made the efficacy of the environmental impact assessment (EIA) reform more complicated and uncertain. This seminar will use an analytical framework to evaluate the current legal reform of the EIA through examining how China's EIA laws and regulations on accountability, compliance, and participation have changed.

About the Speaker:

Professor Xiangbai He is an Associate Professor at Zhejiang University Guanghua Law School. Her research interests are climate change law and Chinese environmental law. She has published a monograph on climate change adaptation law (Springer) and co-edited a book on climate change law in China (Routledge). Professor He is teaching Chinese environmental law and international environmental law, and has published articles in those two areas.

CCTL Comparative Constitutional Law Forum seminar - 'Constitution-making in the 1780s' by Dr. Adam Lebovitz (Online), 29 October 2020



The seminar delivered by Dr. Lebovitz was based on his forthcoming book “Colossus: Constitutional Theory in America and France, 1776-1799”. The seminar provided a *tour d’horizon* of the constitutional debates and connections between revolutionary moments on both sides of the Atlantic, examining how intellectuals addressed topical questions regarding the arrangement of the balance of powers between the executive branch and the legislative branch, bicameralism and unicameralism. Dr Lebovitz described “The Age of Revolutions” as “The Age of Constitution-making” examining developments not only in the United States of America and in France but considering the revolutionary experiences in smaller European republics such as the Dutch United Provinces and the Republic of Geneva, and the role of European and American intellectuals in cross-influencing constitution-making on both sides of

the Atlantic. The Director of the Centre for Comparative and Transnational Law, Professor Rehan Abeyratne chaired the seminar and moderated a captivating Q&A session.

About the Speaker:

Dr. Adam Lebovitz is the WYNG Research Fellow in Political Theory and Philosophy at Trinity Hall, Cambridge. He holds a PhD, as well as a JD, from Harvard. His area of specialisation is the constitutional histories and theories of the late eighteenth century, particularly as they manifested during the so-called “Age of Revolution.” His first book, titled *Colossus: Constitutional theory in America and France, 1776-1799*, is under contract with Harvard University Press.

Professor Rehan Abeyratne, CUHK Law (Chair).

CCTL Environmental, Energy and Climate Law Cluster seminar – ‘Climate Change Litigation and Its Potential Pathways in China’ by Dr. Yue Zhao (Online), 12 November 2020

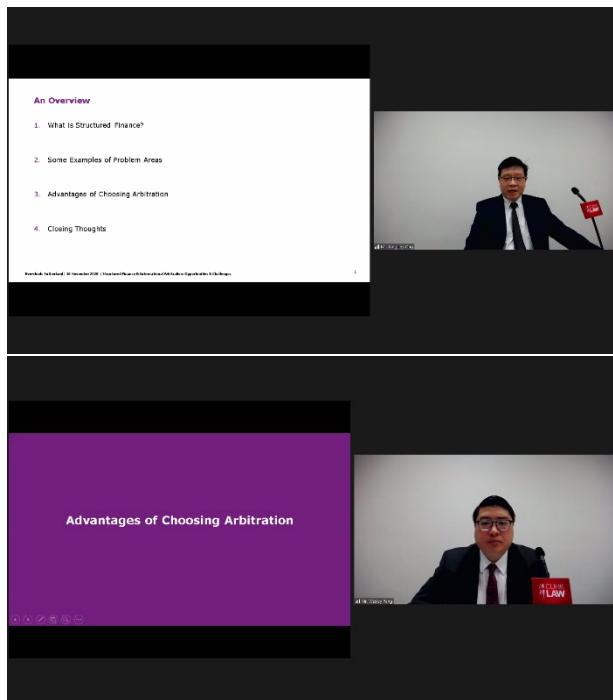
Dr. Yue Zhao, a renowned environmental law scholar, delivered the seminar and addressed issues related to the significance of Climate Change Litigation (CCL). Initially, the seminar provided examples from different jurisdictions referring to pathbreaking caselaw that have led to the establishment of CCL. Dr. Zhao then explained the use and evolution of CCL in China clarifying the legal framework, the role of courts, and other stakeholders. Based on the findings of empirical research, Dr. Zhao showed differences between standard CCL and Chinese CCL focusing on differences between statutory based litigation and contract-based litigation. The seminar, based on a recently published article, demonstrated that instead of a court-driven regulatory policy-making typical of common law jurisdictions, Chinese courts play a supportive role to a Chinese government-led regulatory pathway in response to climate change. Dr. Zhao then looked into the emergence of a tort-based Chinese CCL and the role of Public Interest Litigation on air pollution seen the linkage between climate change and air pollution. Professor Hao Zhang chaired the seminar and moderated an intriguing Q&A session.

About the Speaker:

Dr. Yue Zhao is an Associate Research Fellow at the Faculty of Law, Sichuan University. She obtained the bachelor’s degree (law and French) from Sichuan University, the master degree from the Faculty of Law, Peking University, and her PhD from the Faculty of Law, Université de Montréal. Her teaching and research areas include environmental law, international

environmental law, climate change and public international law. She has published articles on a wide array of environmental law.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘Structured Finance and International Arbitration: Opportunities and Challenges’ by Mr. Kingsley Ong & Mr. Wesley Pang (Online), 16 November 2020



Traditionally, compared to court proceedings, parties to finance-related transactions have been reluctant to choose arbitration as their dispute resolution mechanism. However, recent years have witnessed a potential shift in attitude due to various reasons including arbitration’s cross-border enforcement regime under instruments such as the New York Convention. Both industry associations and arbitral institutions are embracing and responding to this recent trend. For instance, PRIME Finance (the Panel of Recognised International Market Experts in Finance) launched PRIME Finance Rules in 2012, under which the Permanent Court of Arbitration will administer finance-related arbitrations. The International Swaps and Derivatives Association (ISDA) published its first edition of the Arbitration Guide in 2013, with an updated version published in 2018, where a range of ISDA model arbitration clauses were set out for various arbitral institutions and seats around the globe, including a model clause for arbitrations under the auspices of the Hong Kong International Arbitration Centre (HKIAC) Administrated Arbitration Rules. In 2018, HKIAC established a Panel of Arbitrators for Financial Services Disputes, comprising arbitrators with expertise in a wide range of financial services disputes,

including those in relation to structured finance. In recent years, banking and financial services related arbitrations account for over 10% of HKIAC's annual caseload. The legal experts discussed topical issues including types of structured finance contracts, arbitration's potential role in the resolution of structured finance-related disputes, institutional rules and mechanisms for complex and multi-party contract scenarios, the prevalence of specialist arbitrators with expertise in financial services, cross-border enforcement of arbitral awards and matters to be considered when drafting arbitration clauses in relation to finance-related transactions. The speakers will also share their views on how COVID-19 has influenced arbitration's role in the structured finance industry more broadly.

About the Speakers:

Mr. Kingsley Ong is a partner of Eversheds Sutherland's Hong Kong office. He leads the firm's structured finance, debt capital markets and restructuring and insolvency practices in Asia. In addition to structuring and restructuring complex finance transactions, Mr. Ong has also sat as arbitrator (sole and co-arbitrator) in institutional administered arbitrations. Legal directories have described him as "the pre-eminent practitioner... for unwinding complex structured products" (Legal 500, 2020) and "extremely familiar with market practice" (Chambers 2020). Mr. Ong is admitted to practise law in Hong Kong, England and Singapore. He is also a Hong Kong Notary Public, FCI Arb and FHKI Arb. He serves as the Secretary General of Asia Pacific Structured Finance Association (APSA), an Adjunct Associate Professor at the Law Faculty of the University of Hong Kong, a Senior Fellow of CFRED at The Chinese University of Hong Kong, and an External Examiner for The Hong Kong Institute of Bankers (HKIB).

Mr. Wesley Pang is a partner of Eversheds Sutherland's global Litigation & Dispute Management Group. He is based in Hong Kong, where he leads the International Arbitration practice in Asia. Mr. Pang has over a decade of experience in advising clients on commercial and investor-State disputes under various arbitration institutional rules and ad hoc proceedings. Prior to joining Eversheds Sutherland, Mr. Pang was Managing Counsel of HKIAC. He also worked for several years in the litigation and international arbitration groups of a major US law firm in their New York, Paris and London offices. Mr. Pang is admitted to practice law in New York and is a Registered Foreign Lawyer (New York, USA) in Hong Kong.

CCTL Cross-Border Legal Issues Dialogue Seminar Series– ‘Distressed M&A – Making the most of the opportunities’ by Mr. Jochen Ellrott (Online), 1 December 2020

The seminar examined the significance of the truism that “every crisis brings about opportunities” for mergers and acquisitions, looking at the prospects for corporate buyers to enter a new market or expand their existing portfolio through acquisitions for attractively low prices during the COVID-19 pandemic. During the seminar, Mr. Ellrott discussed peculiarities of the distressed M&A transactions and how they differ from ‘normal’ M&A, explaining risks that advisors and buyers need to consider. Mr. Ellrott’s presentation covered the different stages of distress and addressed the risks of engaging at each moment, providing first-hand examples of M&A in the telecommunication and automotive sectors. He also elaborated on the differences and explained the regulatory approaches in selected European jurisdictions and the United States, and the evolution of the legislation in recent years.

About the Speaker:

Mr. Jochen Ellrott is a partner in the Tokyo office of international law firm Freshfields Bruckhaus Deringer. He focuses on cross-border private M&A transactions and regularly advises on distressed M&A transactions, restructurings and general corporate law. His track record is particularly strong in the automotive, telecommunications and healthcare industries. Having spent 18 years in Freshfields’ Hamburg office before relocating to Tokyo, he has broad experience getting cross-border deals done across Europe, Asia and the US. His clients include strategic investors from Japan, Europe, India, China and the Americas as well as global financial investors and alternative capital providers.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – ‘HCCH 2005 Choice of Court Convention: Enhancing Access to Justice for Businesses across Borders’ by Dr. João Ribeiro-Bidaoui (Online), 21 January 2021



The Seminar introduced and expanded on the main features of the HCCH Convention of 30 June 2005 on Choice of Court Agreements. This international treaty aims at ensuring the effectiveness of choice of court agreements (also known as “forum selection clauses” or “jurisdiction clauses”) between parties to international commercial transactions. In order to manage risk, parties often seek to agree in advance on how disputes arising out of a transaction between them will be resolved. In some cases, the parties will refer the dispute to arbitration. In others, they will agree to litigate before a designated court. Although arbitration agreements in international cases are almost universally recognised pursuant to the rules established by the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, choice of court agreements are not always respected under divergent national rules, particularly when cases are brought before a court other than the one designated by the parties. The Choice of Court Convention seeks to rectify this situation, thereby promoting greater legal certainty for cross-border business and creating a climate more favourable to international trade and investment, as underscored by the International Chamber of Commerce.

About the Speaker:

Dr. João Ribeiro-Bidaoui is First Secretary at the Permanent Bureau of the Hague Conference on Private International Law (HCCH). He has primary responsibility over the 2005 Choice of Court and 2019 Judgments Conventions, the HCCH Principles on Choice of Law, the Jurisdiction Project, the Tourists and Visitors (ODR) Project, as well as the 1965 Service, 1970 Evidence, and 1980 Access to Justice Conventions. Previously, Dr. Ribeiro-Bidaoui was Head of the UNCITRAL Regional Centre for Asia and the Pacific (2013-2018) and served as Head

of International Affairs of the Ministry of Justice of Portugal (2009-2011). His first long-term work experience in Asia was as legal counsel of the Secretary for Social Affairs and Culture of the Government of Macau, China. While in Macau (2002-2008), he also lectured International Business Law and International Law at the University of Macau. Dr. Ribeiro-Bidaoui holds a bachelor's degree and a masters in law from the University of Coimbra (Portugal), a masters in juridical sciences from the University of Macau (China), and a doctoral degree from the New University of Lisbon (Portugal) (summa cum laude). He is currently conducting research at the University of Cambridge (United Kingdom) on legitimacy issues related to treaty law-making.

CCTL Transitional Economic Law and Dispute Settlement Group Seminar– 'International Tribunal for the Law of the Sea: 25 Years On' by Dr. Vladyslav Lanovoy (Online), 18 February 2021

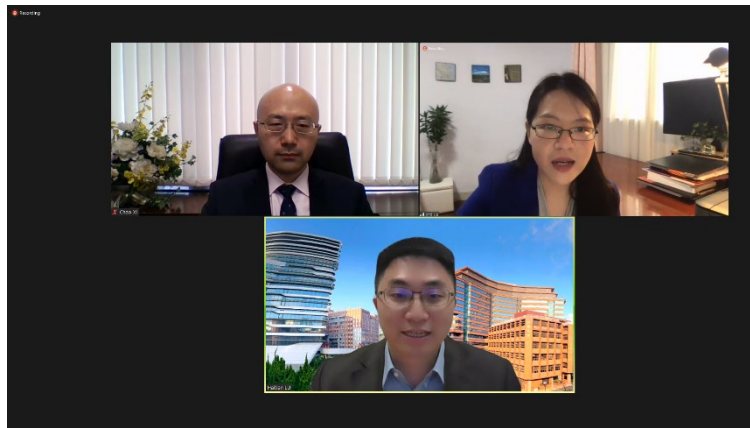
Dr. Vladyslav Lanovoy, Associate Legal Officer at the International Court of Justice, critically evaluated the role of the International Tribunal for the Law of the Sea (ITLOS) in the settlement of disputes relating to the interpretation or application of the UN Convention on the Law of the Sea (UNCLOS) in the nearly 25 years that have passed since its establishment. Dr. Lanovoy comparatively examined the ITLOS operations alongside the other dispute settlement mechanisms and the limitations to the scope of the jurisdiction as determined by part XV of the UNCLOS and its annexes. During his speech, Dr. Lanovoy also examined the substantive contributions of ITLOS to the legal regime governing the oceans, as well as the procedural innovations in its working methods that may serve as a model for other international courts and tribunals. Professor Fernando Dias Simões chaired the well-attended seminar and moderated the engaging Q&A session.

About the Speaker:

Dr. Vladyslav Lanovoy is an Associate Legal Officer at the International Court of Justice and will be joining the Faculty of Law at Laval University, Quebec, Canada in 2021 as a Professor of Public International Law. He has also been a Lecturer at Lille Catholic University and a Teaching Fellow at Queen Mary University of London. He holds a PhD in international law from the Graduate Institute of International and Development Studies in Geneva and is the author of *Complicity and its Limits in the Law of International Responsibility* (Hart 2016), which was awarded the 2017 Paul Guggenheim Prize in International Law. He has previously worked in international arbitration at Freshfields Bruckhaus Deringer LLP and at the

Permanent Court of Arbitration. He has also consulted for the UN Office of the High Commissioner for Human Rights and the UN Environment Programme. His research interests include the law of international responsibility, dispute settlement, the law of the sea, human rights law and international economic law. He is a national of Ukraine and Portugal and is qualified to practise law as a solicitor in England and Wales.

CCTL Corporate Law and Governance Cluster seminar – ‘Online Consumer Review, Information Disclosure, and Quality of Professional Services’ by Professor Jing Liu (Online), 16 March 2021



On 16 March 2021, The CCTL Corporate Law and Governance Cluster organised a seminar titled ‘Online Consumer Review, Information Disclosure, and Quality of Professional Services’. Associate Professor Jing Liu, from the East China University of Political Science and Law, presented her ongoing research on online consumer reviews as a form of third-party information disclosure and a tool of quality assurance. The research examines the quality of information problems in health care services and addresses gaps in information disclosure that would help consumers make better choices in selecting online medical services. Professor Liu uses a mixed-methods in the analysis of online consumer reviews. On the one hand, the research relies on traditional statistical inferences. On the other hand, Professor Liu uses Natural Language Processing (NLP) machine learning techniques to examine consumers written comments. Professor Chao Xi, Associate Dean at CUHK LAW, chaired the seminar and moderated the Q&A session that was initiated by Professor Haitian Lu, who acted as a discussant.

About the Speakers:

Professor Jing Liu is Associate Professor at East China University of Political Science and Law. Her empirical research concerns liability/ litigation, occupational licensing, and information disclosure as quality assurance mechanisms of professional services. Her scholarship on the US tort reform, health care regulation and finance, and legal representation market appear in leading international journals, including *Journal of Empirical Legal Studies*, and *Annual Review of Law and Social Science*. Her research in Chinese are currently funded by the National Social Science Fund of China. She received her degrees from the University of Illinois, Cornell University, and East China University of Political Science and Law.

Professor Haitian Lu is a Professor in law and Finance at the School of Accounting and Finance. He is also the Director of Chinese Mainland Affairs Office of the Hong Kong Polytechnic University. He is also the deputy director of the Center for Economic Sustainability and Entrepreneurial Finance (CESEF) at the Hong Kong Polytechnic University. Professor Lu obtained his Ph.D in law from National University of Singapore, Master of Law from Liverpool University and Bachelor of Law from Nanjing University. During January to June 2016, he was visiting research professor at New York University Stern School of Business. Professor Lu's teaching and research interest centers on the legal development, corporate governance, and corporate social responsibilities in Hong Kong and mainland China. He is the author / co-author of the books *Secured Finance Law in China and Hong Kong* (2010 Cambridge University Press), *Truths and Half Truths: China's Socio-Economic Reforms 1978-2010* (2011 Chandos Publishing), and *The Role of China in Global Dirty Industry Migration* (2008 Chandos Publishing). Professor Lu published widely in law, finance, economics and management journals.

CCTL Environmental, Energy and Climate Law Cluster joint seminar – 'Carbon Neutrality Pledges in Asia' (Online), 17 March 2021 (Co-organised with KAS RECAP)

Following the EU, an increasing number of countries in East Asia have announced their commitment to achieving climate neutrality by 2050/2060. Climate neutrality would constitute a major contribution to achieving the objectives of the Paris Agreement. The fundamental shift these pledges represent for the organisation of energy systems, and the economy more generally, generates important questions of international and national law. Most states have announced their intended action toward climate neutrality as nationally determined contributions (NDCs) and long-term low greenhouse gas emission development strategies under the Paris Agreement. Four prominent speakers discussed from different perspective the

legal force and implications of such announcements addressing two main questions: a) Do states have an obligation to achieve the targets they announce under international or domestic law? b) What are the consequences, if any, of the failure of a state to take the steps it had announced?

About the Speakers:

Dr. Christian Hübner, Head, RECAP-KAS (Chair).

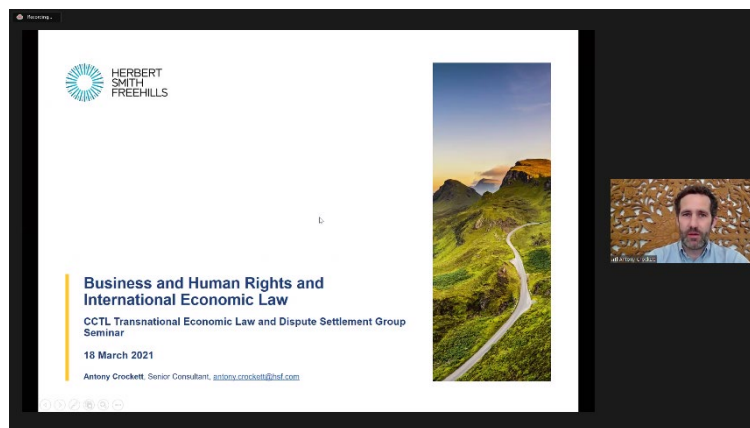
Professor Alexander Zahar, Southwest University of Political Science and Law.

Professor Benoît Mayer, Associate Professor, CUHK LAW.

Professor Haifeng Deng, Tsinghua University.

Mr. Sejong Youn, Solutions for Our Climate.

CCTL Transnational Economic Law and Dispute Settlement Group Seminar – ‘Business and Human Rights and International Economic Law’ by Mr. Antony Crockett (Online), 18 March 2021



The seminar examined recent legal and policy developments in the field of business and human rights and discussed the relevance of those developments for international economic law, in particular in the area of investor-State dispute settlement (ISDS).

Initially, Mr. Antony Crockett clarified the state’s “right to regulate” concerning environmental and social matters and then focused on its implications for investors and repercussions on ISDS. New legislation in the field of public health and environment protection, together with an increase of scrutiny of investors’ conducts in relation to these matters, has led to more investor-state arbitration and concerns on their outcome. The seminar provided an overview of topical ISDS cases and their outcome. In parallel, Mr. Crockett analysed the evolution of business and

human rights. He examined soft law expectations and hard law obligations on private enterprises to ensure respect for human rights in their operations and supply chains. Professor Fernando Dias Simões chaired the seminar and moderated the Q&A session.

About the Speaker:

Mr. Antony Crockett is a senior consultant for Herbert Smith Freehills based in Hong Kong and specialise in public international law and dispute resolution.

CCTL Cross-Border Legal Issues Dialogue Seminar Series – 'Latest Development of Hague Conference on Private International Law and the Hague Judgments Convention' (Online), 25 March 2021

Initially, Professor Yun Zhao clarified the roles and functions of the Hague Conference on Private International Law (HCCH) as an intergovernmental organisation. The HCCH, without focusing on substantial legal matters, progressively unifies rules of private international law through the adoption of hard law and soft law instruments such as conventions and protocols to facilitate international trade, commerce and foreign direct investment on the one hand, and give effect to human rights on the other. Professor Zhao provided an overview of the various legal instruments. Eventually, Professor Zhao introduced the new Convention on the Recognition and Enforcement of Foreign Judgements in Civil or Commercial Matters signed in 2019. The new Convention, which has not yet entered in force, is expected to enhance the foreseeability and legal certainty for the recognition and enforcement of foreign judgements, with sufficient flexibility to address States' concerns. Professor Alan Gibb chaired the seminar.

About the Speaker:

Professor Yun Zhao is Henry Cheng Professor in International Law and Head of Department of Law at the University of Hong Kong (HKU); PhD (Erasmus University Rotterdam); LLM (Leiden University); LLM & LLB (China University of Political Science and Law). Professor Zhao is currently the Representative of Regional Office for Asia and the Pacific (ROAP) of the Hague Conference on Private International Law (HCCH); Standing Council Member of Chinese Society of International Law and Chinese Society of Private International Law; Chair Professor at Xiamen University (2020-2023); Chair Professor at Tianjin University of Finance and Economics (2018-2021). He is listed as arbitrator in several international arbitration



commissions. He has published widely on various topics including particularly Dispute Resolution and Space Law.

Conferences/ Symposiums

Corporate Law and Governance Cluster Symposium on Cambridge Handbook of Comparative Shareholder Engagement and Voting, 23 June 2020

Symposium on the Cambridge Handbook of Comparative Shareholder Engagement and Voting online took place on 22 & 23 June 2020 and was co-hosted by Centre for Comparative and Transnational Law, CUHK LAW, Tilburg University Law School, and National Law University Delhi. Authors from 19 jurisdictions collectively contributed to focus discussions on shareholder engagement and voting, with a view to making cutting-edge and evidence-based contributions to the comparative theoretical discourse in the field.

Obligations Lab Asia Conference on The Role of the Law of Unjust Enrichment in Asia, 26 June 2020



CUHK LAW organised the online conference “The Role of the Law of Unjust Enrichment in Asia” with great success on 26 June 2020. The conference marked the inauguration of the CUHK LAW Centre for Comparative and Transnational Law (CCTL) and its five cluster groups, including the Obligations Lab Asia. With over 350 registrations locally and internationally, the conference gathered speakers from Germany, Hong Kong, India, Japan, Macau, Singapore and Slovenia, etc. to explore issues related to the role of the law of unjust enrichment in Asia.

Comparative Constitutional Law Research Forum Symposium on New Dominion Constitutionalism and New Directions in Comparative Constitutional Research, 7 July 2020

CUHK LAW Professor Mara Malagodi edited with Professors Luke McDonagh (City, University of London) and Thomas Poole (London School of Economics and Political Science) a symposium on New Dominion Constitutionalism for the International Journal of Constitutional Law (ICON) in issue 17:4, available here: <https://academic.oup.com/icon/issue/17/4>. The Symposium sketched the legal configuration of New Dominion status as the first constitutional model of note to manage political transitions on a global scale. Dominionhood originally represented a halfway house between colonial dependence and postcolonial independence, as developed in Canada, Australia, New Zealand, and South Africa. By contrast, New Dominion constitutionalism refers to the transitional constitutional form developed after World War I in Ireland (1922–1937)—the “Bridge Dominion”—and the post-World War II “New” Dominions of India (1947–1950), Pakistan (1947–1956), and Ceylon (later Sri Lanka, 1948–1972).

The seminar officially launched this symposium, introduce the concept and case studies of New Dominion Constitutionalism, and discuss how this research opens up new avenues in comparative constitutional scholarship. Several contributors to the ICON journal symposium presented their papers including Professor Thomas Poole (LSE), Professor Peter Oliver (Ottawa), Professor Luke McDonagh (City University/LSE), Professor Rohit De (Yale), Professor Mara Malagodi (CUHK LAW), and Professor Rehan Abeyratne (CUHK LAW). Professor Melissa Crouch (UNSW) concluded the symposium with commentary on the symposium as a whole and its distinctive contribution to the development to the field of comparative constitutional law. Professor Chris Roberts (CUHK LAW) chaired the event.

Private International Law Group Research Seminar on International Legal Issues on COVID-19, 7 August 2020

CUHK LAW members presented their research on different international legal issues on Covid-19, including COVID-19 and International Commercial Contracts, COVID-19 and International Travelling, and COVID-19, Government and Individual.

Speakers and presentations:

Professor Anatole Boute, Professor, CUHK LAW – COVID-19 and Force Majeure in Energy Contracts.

Professor Fernando Dias Simões, Associate Professor, CUHK LAW – Epidemics and Travel Restrictions.

Professor Stuart Hargreaves, Associate Professor, CUHK LAW – COVID Quarantines and Data Collection.

Professor Jae Woon LEE, Assistant Professor, CUHK LAW – Covid-19 and Aviation: Nationalism, Consolidation and Rationalisation.

Professor Benoît Mayer, Assistant Professor, CUHK LAW & Ms. Xueji Su, Ph.D. candidate, CUHK LAW & Ms. Yuxi Feng, Ph.D. candidate, CUHK LAW – Obligations of States to Exercise Due Diligence to Prevent a Pandemic.

Professor Michelle Miao, Assistant Professor, CUHK LAW – Between Discipline and Health: Caught up in the Corona Pandemic.

Professor Dicky Tsang, Associate Professor, CUHK LAW – From Coronation to Coronavirus: COVID-19, Force Majeure and Private International Law.

Comparative Constitutional Law Research Forum Symposium on The Law and Politics of Unconstitutional Constitutional Amendments in Asia, 19-20 November 2020

Professors Rehan Abeyratne and Ngoc Son Bui hosted this symposium and gathered esteemed constitutional scholars and political experts from Asia, Europe, and the United States to discuss legal aspects and the political dynamics surrounding constitutional design and judicial review of unconstitutional constitutional amendments in Asia.

The panelists, including CUHK LAW Professors Ryan Mitchell, Ngoc Son Bui, and Mara Malagodi, presented ten case studies regarding the theory and practice of constitutional amendments and the related political debate in East Asia (China, Taiwan, and Japan), Southeast Asia (Malaysia, Thailand, and Vietnam), and South Asia (Bangladesh, India, Nepal, and Pakistan). In the final session, four commentators offered broader reflections on the topic. The panelists and commentators discussed the significance of the “Basic Structure Doctrine”, the role of constitutional courts, and the limits of constituent power. The symposium forms the basis of an edited volume that will be published by Routledge within its series on Comparative Constitutional Change.

Research Projects/ Publications

Professor Chao Xi and the Corporate Law and Governance Cluster have a research project on ‘Shareholder Engagement and Voting around the World’. The project will result in an edited volume covering 19 jurisdictions, which is under contract with Cambridge University Press.

Professor Christopher Roberts, in the Transnational Legal History Group, received a grant under the Early Career Scheme (HKSAR Research Grants Council) for his project titled ‘The Exportation and Evolution of Vagrancy Laws in the Nineteenth Century British Empire: From the Caribbean to Hong Kong’. The project explores the development of a new vagrancy law model in early nineteenth century England, the manner in which that model was exported across the British colonial world--including to the Caribbean, Mauritius, Ceylon, Ireland, India, the Cape Colony, the Straits Settlements, the East African Protectorate, Northern Nigeria and Hong Kong--and how the model changed over time and in relation to varying circumstances. In addition to exploring the exportation, evolution and implementation of vagrancy laws, the project also explores the connections between those laws and the development of public order institutions and ideologies.

Professor Dicky Tsang, in the Private International Law Group, received a grant under the Early Career Scheme (HKSAR Research Grants Council) for his project titled ‘An Empirical Review of China’s New Choice-of-law Regime: In Search of Clear Guidelines?’.

Professor Dicky Tsang, in the Private International Law Group, received a CUHK Direct Grant to support his project ‘From Coronation to Coronavirus: Force Majeure and Private International Law’.

Professors Ngoc Son Bui and Mara Malagodi, along with other members of the Comparative Constitutional Law Research Forum, will be editing a book series with Hart (Bloomsbury) on Asian Comparative Constitutional Law. The series will comprise four volumes covering constitution-making, constitutional amendments, constitutional structure, and constitutional rights. Each book will feature several case studies from across all the major Asian sub-regions, including East Asia, Southeast Asia, and South Asia.

Professor Mara Malagodi received a CUHK Project Impact Enhancement Fund grant for a project titled ‘Reproductive Rights as Social Rights in Nepal: Fostering Access and Implementation’. The project aims to analyse the recent legal developments in Nepal surrounding reproductive rights as an instance of judicial enforcement of social rights. The

project, which is undertaken in collaboration iProbono and ROLE UK, has three aims: (1) to deliver the first comprehensive legal analysis of Nepal's innovative framework of reproductive rights framed as constitutional social rights from a comparative perspective; (2) to have practical implications by translating academic research into legal impact on the ground in Nepal; and (3) to benefit Hong Kong society by offering training and public engagement with our project. Professors Rehan Abeyratne and Ngoc Son Bui are co-investigators on this project.

Professors Rehan Abeyratne and Ngoc Son Bui, within the Comparative Constitutional Law Research Forum, have a research project on 'The Law and Politics of Unconstitutional Constitutional Amendments in Asia'. The project will result in an edited volume, comprising 10 case studies from across Asia and four broader thematic chapters, which is under contract with Routledge in its series on Comparative Constitutional Change.

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

Upcoming Events

Conference on 'Pacta Sunt Servanda in Changing Times', 25 June 2021

The concept *pacta sunt servanda* (agreements are to be kept) is regarded as the basis of all modern contract law regimes. And yet, the well-known differences between the civil law and the common law approach, as well as demands in recent years for relief of contract parties in times of crisis, call the fundamentals of *pacta sunt servanda* into question. In addition, as a concept developed in the West, it is time to assess how *pacta sunt servanda* is understood in other parts of the world. To explore related issues with a focus on private law the CCTL Obligations Lab Asia at CUHK LAW will hold an online conference on “*Pacta Sunt Servanda* in Changing Times”.

Keynote Speaker: The Honourable Mr Geoffrey MA Tao-li, GBM, Former Chief Justice of the Hong Kong SAR.

Distinguished Closing Remarks: Professor Neil Andrews, Faculty of Law, University of Cambridge.

About the Speakers:

Mr. Jochen Ellrott, Partner, Freshfields, Tokyo, Japan.

Professor Geraint Howells, University of Manchester, UK.

Dr. Siyi Lin, King & Wood Mallesons, Shenzhen, China.

Professor Michael Martinek, University of Saarland, Germany.

Professor Harpreet Kaur, National Law University, Dehli, India.

Mr. Kingsley Ong, Partner Eversheds-Sutherland, Hong Kong.

Adv. Joel Slawotsky, IDC Law and Business Schools, Israel.

Dr. Tran Kien, VNU Law School, Vietnam.

Conference on 'Asian Legal History', 24-25 July 2021 (Co-organised with Hue University of Law)

The Transnational Legal History Group of the Centre for Comparative and Transnational Law (CCTL) and the University of Law - Hue University will be jointly organizing a conference on the theme of *Asian Legal History* at the University of Law - Hue University, Hue, Vietnam.



Convened by Professors Ngoc Son Bui and Christopher Roberts, Assistant Professors at CUHK LAW, the conference aims to bring together a diverse and interdisciplinary group of scholars, researchers, and graduate students to share their research findings on topics relating to legal history in Asia.

About the Speakers:

Professor Andrew Harding, Visiting Research Professor, Faculty of Law, National University of Singapore.

Professor Pip Nicholson, Dean, William Hearn Professor of Law, Melbourne Law School.

Professor Radhika Singha, Professor of Modern Indian History, Jawaharlal Nehru University.

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